

Central Information Commission
Baba Gang Nath Marg,
Munirka, New Delhi-110067.

CIC/AA/A/2018/186
CICOM/A/2018/00169
CICOM/R/2018/00512

Name of the appellant : Shri S. Rajamanickam,
M.E.B.L., HIG A 22,
HUDCO Colony, Murugan Nagar,
Peelamedu,
Coimbatore (TN) – 641 004.

1.	Date of RTI application	11.05.2018
2.	Date of reply of the RTI application	28.05.2018, 30.05.18, 07.06.18 & 13.06.2018
3.	CPIO(s) who furnished reply	DR to CR-I, SO(Admn), CPIO(MR) & CPIO(Legal Cell)
4.	1 st Appeal Date	06.07.2018
5.	Diary No. of 1 st Appeal of the Dak Section	505
6.	Diary date of the Dak Section	11.07.2018
7.	Diary date of 1 st Appeal in the office of FAA	12.07.2018
8.	Date of Decision	27.07.2018

In the appeal, appellant has sought further information, which was not covered in the original RTI application. FAA takes only those point into consideration while deciding an appeal against which appellant is aggrieved with the reply given or not given by the CPIO on the points sought in the RTI application. Therefore, the present appeal is being decided only on the points covered in the original RTI application.

Decision with reasons:-

2. The RTI application, reply of the CPIOs and appeal have been perused and as per appeal, appellant is aggrieved with the information provided by the CPIOs on Points 1(vi), 3(i), 4(i) to (iv), 5, 6, 7, 9 & 10 of the RTI application.

3. On Point 1 (vi), appellant has sought total number of complaints and second appeals received on the same date as well as within ten days from the receipt of his complaint and second appeals at the Central Information Commission and their respective status. On this point, Shri Krishan Avtar Talwar, CPIO has informed that:-

"The information relating to Registered and pending cases of any period is available on the website of this Commission (www.cic.gov.in) under the caption: "MIS Reports" on home page. Whereas status is available under "Citizen Service" on homepage on above website."

P.T.O.

Aggrieved with the reply of CPIO on above said point, appellant stated in the appeal that:-

"I could not get the information from the website which the CPIO, Central Registry-1/CIC has mentioned in his reply dated 28.05.2018. Since the information have not been provided datewise in your website, it could not be possible to know the Total number of complaints and second appeals received on the same date as well as within ten days from the receipt of my Complaint and Second Appeals at CIC and whether the RTI applications are treated equally as it is not in the form in which I have requested. KINDLY DIRECT THE CPIO/CIC TO PROVIDE ME THE INFORMATION AT POINT NO.1(vi) at free of cost."

CPIO can provide only that information, which is held by him. CPIO is not supposed to collate information in the manner in which it is sought by the appellant. In this regard, Para-15 of Hon'ble Delhi High Court judgment dated 07.01.2016 in WP(C) No.6634/2011 in the case of Commodore (Retd) Lokesh K. Batra Vs The Registrar Supreme Court of India, may be referred to in which it was held that:-

"On a combined reading of Section 4(1)(a) and Section 2(i), it appears to us that the requirement is only to maintain the records in a manner which facilitates the right to information under the Act. As already noticed above, "right to information" under Section 2(j) means only the right to information which is held by any public authority. We do not find any other provision under the Act under which a direction can be issued to the public authority to collate the information in the manner in which it is sought by the applicant."

From the above, it is observed that information furnished by the CPIO seems to be appropriate.

4. On point 3(i) of the RTI application, appellant has stated in the appeal that information has not been provided. On perusal of the case file, it is observed that CPIO(MR), Shri Jeewan Chandra vide reply dated 07.06.2018 has provided the information to the appellant.

5. On point 4(i) of the RTI application, direction is given to Shri Sushil Kumar, DS(Admn) & CPIO to provide certified copy of the document as per DoPT OM No.10/1/2013-IR dated 06.10.2015 to the appellant within 1 week from the date of receipt of the order, as sought for by the appellant.

6. On Point 4(ii) of the RTI application, appellant has stated that incorrect information has been provided by the CPIO. The information is not specific but it is vague and it does not contain all the works that must be performed by each employee/officer and which, when not performed, shall attract disciplinary proceeding against the employee/officer. In this regard, attention of the appellant is invited to the para-6 of Hon'ble High Court of Delhi judgment dated 11.01.2013 in LPA No.785/2012 of Hansi Rawat and Anr. Vs. Punjab National Bank and Ors in which it was held that:-

"The proceedings under the RTI Act do not entail detailed adjudication of the said aspects.....the proceedings under the RTI Act cannot be converted into proceedings for adjudication of disputes as to the correctness of the information furnished."

In light of above, information furnished by the CPIO on Point 4(ii) is found appropriate.

7. On Point 4(iii) of the RTI application, appellant has stated that CPIO has malafidely denied the information. On this point appellant has sought name, designation, caste and community of all the public servants/officers working in Central Information Commission. CPIO vide reply dated 30.05.2018 stated that *"This is a personal information. Personal information cannot be provided under section 8(1)(j) of the RTI Act."* In this regard, judgment dated 31.08.2017 of Hon'ble Supreme Court of India in Civil Appeal No.22 of 2009 of Canara Bank Vs. C.S. Shyam may be referred to in which it was held that:-

"The information was sought on 15 parameters with regard to various aspects of transfers of clerical staff and staff of the Bank with regard to individual employees, date of his/her joining, designation, details of promotion earned, date of his/her joining to the Branch where he/she is posted, the authorities who issued the transfer orders etc etc. It was held that information regarding individual employees working in the Bank was sought which was exempted from disclosure under Section 8(j) of the Act and neither respondent No.1 disclosed any public interest much less larger public interest involved in seeking such information of the individual employee and nor any finding was recorded by the Central Information Commission to respondent No.1."

Hence, information furnished by the CPIO is appropriate.

8. On point 4(iv) of the RTI application, appellant has stated that no information has been provided. On perusal of the case file, it is observed that available information on this point has been provided by the CPIO vide letter dated 30.05.2018.

9. On points 5 & 6, appellant has sought copies of all the cases which are pending in the courts but are not stayed by any court and the information related to the cases are held by CIC and copies of all the cases which have been already disposed off by the courts and the information related to the case are held by CIC respectively. Shri Kishore Kumar Pukhral, CPIO, Legal Cell has replied that:-

"Approximately 1900 cases have been filed against the order of Commission in various High Courts/Supreme Court. Collate and collection of such information would disproportionately divert the resource of this office. Hon'ble Supreme Court in the case of Commodore Lokesh Batra vs CIC, has held CPIO is not required to collate the information. The information, therefore, denied under Section 7(1) of the RTI Act, 2005."

Aggrieved with the reply, appellant has stated in the appeal that:

*"As per Section 4(1)(a) The RTI, 2005 very Public Authority mandatory duty is to **maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act** and since the legal officers are provided with the computers and every information regarding the legal matters are in the computers and moreover, scanners are also available with the CIC, it is the mandatory duty of the legal officer/CIC who is a deemed CPIO/CIC, to provide all the information requested by me at points nos. 5 and 6 which are available in the CIC at free of cost **because the CPIO/CIC has not denied the information under section 8 & 9 of the RTI Act, 2005.** Moreover, **when I searched through Google for the case law titled as "Commodore Lokesh Batra vs CIC", I could not find any such case law.***

The Section 7(1) of the RTI Act, 2005 nowhere states to deny any information, therefore, matter was enquired with the CPIO, Shri Pukhral who intimated that he has denied to provide information u/s Section 7(9) but erroneously it was typed as & 7(1) and regretted for the same. As far as not finding of Commodore Lokesh Batra case as referred by the CPIO is concerned, appellant may see the same in Google through the link <https://indiankanoon.org/doc/8210205/>. In view of this, reply furnished by the CPIO is found appropriate.

10. On Point-7 of the RTI application, Shri Kishore Kumar Pukhral, CPIO, Legal Cell has replied that *"Information not maintained as asked for. However available list as maintained will be provided through email address, so that information can be provided.* Since there is no provision under RTI Act to provide information through email, direction is given to Shri Kishore Kumar Pukhral, CPIO, Legal Cell to provide information in a CD free of cost to the appellant within 1 week from the date of receipt of the order.

11. On Point 9 of the RTI application, appellant has stated in the appeal that:-

"Copy of the Procedure approved by the Government and followed by the Central Information Commission to weed out the records – COPY OF THE PROCEDURE APPROVED BY THE GOVERNMENT / MANUAL HAS NOT BEEN PROVIDED TO ME."

12. On Point 10(ii), appellant has stated in the appeal that:-

"The certified copy of the records retention rule of the Central Information Commission – ONLY COPY OF THE ORDER HAS BEEN PROVIDED but THE CERTIFIED COPY HAS NOT BEEN PROVIDED TO ME."

On Points 9 & 10(ii) above, Shri Jeewan Kishore, CPIO(MR) vide reply dated 07.06.2018 has provided following information:-

“Point no. 9 & 10: Please refer to the Office Order issued by the commission from time to time (copies enclosed). The Office Orders are also available in CIC website.”

In view of the submissions of the appellant on Points 9 & 10, **direction is given to Shri Jeewan Chandra, CPIO(MR) to re-visit Point-9 of the RTI application and provide appropriate information and on Point-10(ii), he is directed to provide certified copy of the order as mentioned in his reply as per DoPT OM No.10/1/2013-IR dated 06.10.2015 within 10 working days from the date of receipt of this order.**

13. The appeal is, therefore, disposed off accordingly.

14. In case the appellant is aggrieved by the decision, he is free to file second appeal, if he so desires, before the Central Information Commission, Baba Gang Nath Marg, Munirka, New Delhi-110067 against this order within 90 days.

Dated the 30th July, 2018.

(Rakesh Kumar Singh)

Additional Secretary & First Appellate Authority

Tel: 26162290

Copy to:-

1. Shri Ashok Kumar Sharma, CPIO, RTI Cell, CIC, New Delhi.
2. Shri Sushil Kumar, DS(Admin) & CPIO, CIC, New Delhi.
3. Shri Kishore Kumar Pukhran, CPIO, Legal Cell, CIC, New Delhi.
4. Shri Jeewan Chandra, CPIO(MR), CIC, New Delhi.

RECEIVED
30 JUL 2018
D. No.
Initials. *Vinayak*