

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

CIC/AA/A/2018/188
CICOM/A/2018/00171
CICOM/R/2018/00571

Name of the appellant : Shri Hukma Raj Badala,
Shreeji Computers,
PO – BEDA – 306 126,
Pali (Raj).

1.	Date of RTI application	22.05.2018 received on u/s 6(3) from CAG, New Delhi office vide ltr dt. 30.05.2018
2.	Date of reply of the RTI application	27.06.2018 & 28.06.2018
3.	CPIO(s) who furnished reply	DR to CR-II & CPIO(MR)
4.	1 st Appeal Date	06.07.2018
5.	Diary No. of 1 st Appeal of the Dak Section	144688
6.	Diary date of the Dak Section	17.07.2018
7.	Diary date of 1 st Appeal in the office of FAA	18.07.2018
8.	Date of Decision	27.07.2018

Brief facts of the case:-

The appellant filed the RTI application in the public authority "Comptroller & Auditor General of India, New Delhi. The CPIO of the CAG has transferred the RTI application u/s 6(3) to this Commission. In the RTI application, appellant has stated as under:-

"Since, 2005, The Central Information Commission is Functioning under RTI Act.

Following are Very important Guide lines Regulated by CIC:-

1. *Quick Hearing For Complaints and imposition of Penalty for maliciously denial/ Abnormal delay in Correct and Complete Reply (sec 20-1), Dept. Action for destroying Information under Sec 20-2, awarding Compensation to Appellant for damages under sec. 19(8b), ordering Correct and complete Reply within stipulated period under section 19(8a). for Complying the Orders CIC has been vested with Powers of Magistrate. But when CIC is not imposing Penalty and award Compensation to Appellant the Purpose of Quick Response is defeated the vary Purpose and commend like – "fact, (the hearing had also highlighted the issue of lack of penalty imposition and lack of follow-up. The 'Report Card' on information commission had also alluded to this aspect. It noted that of all the cases in which penalty can be imposed, it was done so in only 4.1% of them. Several other at the hearing also testified that despite clear violations of the RTI Act, the information commissions were reluctant to impose penalties and that this had promoted a culture of impunity and encouraged public information officers to take liberties with the RTI Act. It is very clear that CIC have been Restricted the*

P.T.O.

adjournments and Review of Hearing". But in Many Cases on the Mercy of Respondents Adjournments and Review upto 4 times of same Appeal is practicing by CIC. There are Long Pendency of Appeals:-

2. It was Disclosed by CIC/CIC that all Appeals submitted in 2015 shall be decided by Sept. 2017 and Appeals of 2016 shall be Decided by dec. 2017 and Lauded high Figures of Orders, and same High figures are Doubtful Because when Appeals of people like me Are heard four times and reviewed, it is impassible that so High Figures of Decisions are Achievable, it is also the Duty of CIC to get Compliance of its orders, where It is failed or intentionally it has No intentions to Complied. Our Appeals since 2013 against railways and since 2014 against CIC is pending in CIC without any Penalty and compensation to appellant and reply.

So it is requested to provide information on Point no 1 & 2 for the since Inception & Your Performance Audit and action taken/suggested to PAC/Modopt. 3. It is also our suggestion to intimate the actual Numbers of Appeals cleared, Received and Closing Balance for each year along with penalty in nos and amount/compensation Awarded to Appellant. There must be some Reasons for denial of penalty/compensation to Appellant & Action under section 20(2).

4. In addition kindly intimate weather Any Action taken for Denial of Correct and Complete Reply with nos of Such cases. In any case Denial of Information/ Appeals to any Number under RTI Act is Not Allowed. If it is Statutory amendments done by Parliament/Assembly/CIC, Kindly Send us Copy of the same."

Decision with reasons:-

2. On perusal of the RTI application, it is not clear what information appellant wants to sought. However, whatever CPIOs understands from the RTI application has provided a list of total number of appeals, complaints disposed and pending with the Commission till date and total number of case on which penalty imposed, total amount of penalty, total number of cases on which compensation awarded and total amount of compensation awarded by the Commission till date to the appellant.

3. The appeal was also perused but it was not understood against which point of the reply of the CPIO, appellant is aggrieved with. Therefore, the appellant was contacted over his given mobile number on 27.07.2018. The appellant himself could not clarify what information he wants to seek and against which point of reply of the CPIO, he is aggrieved with. The appellant only informed that his 12 appeals are pending in the Commission out of which 4 appeals were of the year 2013. The similar information was sought in his RTI applications and first appeal was also decided vide No.CIC/AAVA/

2018/162 dated 03.07.2018. In compliance to the said FAA's decision, Shri A.K. Talpatra, DR to IC(AB) & CPIO vide letter dated 11.07.2018 has informed the appellant that his following cases has been finally disposed of and there is no provision of review of the order of the Commission:-

1. CIC/VS/A/2014/003013/BJ
2. CIC/VS/A/2015/001067/AB
3. CIC/VS/A/2015/001444/AB
4. CIC/VS/A/2015/000367
5. CIC/VS/A/2015/003682
6. CIC/AD/A/2012/002454/VS
7. CIC/AB/A/2016/001020
8. CIC/AB/A/2016/000675
9. CIC/AB/A/2016/000843

4. Following 7 (seven) cases of the appellant are pending with the registry of IC(AB):-

1. CIC/RAILB/A/2017/147520
2. CIC/NHAIN/A/2017/146282
3. CIC/NWRLY/C/2017/137673
4. CIC/RAILB/A/2017/134302
5. CIC/RAILB/A/2018/140454
6. CIC/NWRLY/A/2018/119694
7. CIC/NWRLY/A/2017/111033

5. The CPIO has given a very clear picture about the status of the so called pending cases of the appellant in the Commission.

6. In view of the above, the appeal is disposed off.

7. 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.

