

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

CIC/AA/A/2018/217
CICOM/A/2018/00188
CICOM/R/2018/00541

Name of the appellant : Shri Ravindra Kumar Singh,
K-16, Opp. Judicial Lockup,
Tis Hazari Court,
Delhi – 110 054.

1.	Date of online RTI application	15.05.2018
2.	Date of reply of the RTI application	05.06.2018 & 26.06.2018
3.	CPIO(s) who furnished reply	DO to IC(YA) & SO(Admn)
4.	1 st Appeal Date	21.07.2018
5.	Diary No. of 1 st Appeal of the Dak Section	912 & 913
6.	Diary date of the Dak Section	31.07.2018
7.	Diary date of 1 st Appeal in the office of FAA	01.08.2018
8.	Date of Decision	09.08.2018

The appellant has filed 02 first appeals against reply of the CPIOs of the Commission, received by the appellant on different dates against one RTI application. Therefore, both appeals have been clubbed with.

Brief facts of the case:-

2. In the RTI application, appellant has sought following information:-

"The Subject matter & information pertain to the Applicant/appellant filed application of short adjournment & written argument & submission (vide bearing Diary no.114075, 114076 & 114077, dated 05.03.2018 respectively in respect of Case/Diary/ File No (a) CIC/ODCNW/A/2017/113144 (b) CIC/DEPOL/A/2017/194823 & (c) CIC/DEPOL/A/2017/194823 (d) CIC/ODCNW/A/2017/125057, 125058, 125059 & 125060 (e) CIC/DEPOL/A/2017/179542 & 179543 & other information pertains to authority, officials & department of Hon'ble Commission

Please provide following information from above mentioned subject matter & information should be break up wise & in details

1. *Under which provisions, sections of RTI Act up to amended date & other law of land, the Hon'ble Information Commissioner sh Yashoverdhan Azad had/has cited/mentioned many/various/citation/extracts of WP CRL No 3078/2017 in judgment & order dated 07.03.2018, passed by Hon'ble CIC New Delhi, Please provide/give opinion & advice, on/upon afore said vide diary no 114075 & 114076 dated 05.03.2018*

P.T.O.

[2]

2. Please give/provide opinion & advice on/upon judgment & order dated 07.03.2018, passed by Hon'ble Information Commissioner Sh Yashovardhan Azad in respect of above mentioned 2nd Appeal/Case/File no (a) to (e) following information

(a) Ld IC Sh Yashovardhan Azad deliberately/knowingly had/has not cited/mentioned many/various citation/points of reply & written argument & submission including guideline & requirement laid down of Hon'ble Supreme Court of India & hon'ble High Courts, Applicant/appellant who filed on 05.03.2018 vide diary no 114075

(b) Ld IC Sh Yashovardhan Azad deliberately/knowingly had/has ignored, overlooked, overlooked & disobeyed many/various citation/points, guideline & requirement laid down of Hon'ble Supreme Court of India & hon'ble High Courts, in respect of disposing of RTI Matter including, Applicant/appellant who filed on 05.03.2018 vide diary no 114075

3. Please give/provide information & declare the total assets including all movable & immovable properties in the name of Hon'ble Information commissioner Sh Yashovardhan Azad (CIC, New Delhi) including his family members, information break wise & in details

4. Please give/provide information & declare the total assets including all moveable & immovable properties in the name of Ld Dy Registrar Sh R P Grover (CIC, New Delh) including his family members, information break wise & in details

5. Please give Copy of Confidential Reports (CR), in respect of Hon'ble Information Commission Sh Yavhovardhan Azad & Ld Dy Registrar Sh R P Grover respectively

6. Please provide Copy of taken decision by concern authority including blue prints & white papers etc, in respect of appointment as Hon'ble Information Commissioner Sh Yashovardhan Azad & Ld Dy Registrar Sh R P Grover respectively

7. Please give/provide copy of file noting of any material in any form including any records, documents, memos, e-mails, press release circulars, orders, reports, papers, samples, models data materials & also opinion & advice on/upon above mentioned subject matters.

2. Shri R.P. Grover, CPIO & DO to IC(YA) vide his letter dated 05.06.2018 has furnished following information on Points 1 & 2:-

"1. CPIO is not competent to comment on the decision of Information Commissioner

2. (a to e) As above."

3. Mrs Savita Taluja, SO(Admn) cum CPIO vide letter dated 26.06.2018 has furnished following information on Points 3 to 7:-

Item No.	Reply
3.	<i>It is available in CIC website www.cic.gov.in under the link of Declaration of Asset in the heading of Chief IC/ICs.</i>
4.	<i>No such information available on record.</i>
5-7	<i>The assistance was sought u/s 5(4) of the RTI Act, 2005, from the O/o JS(A) vide letter no.3/1/2018/Adm/CIC/00541/ST dt. 15.6.2018. The reply dated 19.06.2018 received from the O/o JS(A) on 21.6.2018 vide their letter no.F.No.3/3/2018-CIC-Admn is hereby enclosed.</i>

4. Reply of JS(Admn) on Points 5-7 is as under:-

Item No.	Reply
5	<i>The information is denied in terms of Section 8(1)J</i>
6	<i>The information regarding Confidential Reports of Information Commissioner Shri Yashovardhan Azad is not maintained in this office. The information regarding Shri R.P. Grover, DR is denied under Section 8(1)J. The appointment orders in respect of Shri Azad and Shri Grover is enclosed.</i>
7	<i>The information asked for is not specific and is voluminous. The compilation of all materials will divert the whole resources of the Commission which will lead to disrupting of the normal functioning of the Commission.</i>

5. On the grounds of appeal, appellant has stated that CPIO has provided incorrect, incomplete and misleading reply and also obstructed in furnishing information but he has not mentioned as to why information provided is incorrect, incomplete and misleading.

Decision with reasons:-

6. On perusal of the RTI application, reply of the CPIO and appeal, it is observed that:-

(i) On Points 1 & 2 of the RTI application, reply furnished by the CPIO is appropriate. FAA as well as CPIO of the Commission cannot comment on the decision of the Commission.

(ii) Information sought on Point-3 is already available in the public domain under the link as provided by the CPIO. Further to it, these are personal information and cannot be disclosed in the light of Hon'ble Supreme Court judgment dated 31.08.2017 in Civil Appeal No.22 of 2009 C.S. Shyam vs Canara Bank.

(iii) FAA is agreed with the replies given on Point 4 & 5 by the CPIOs in the light of Hon'ble Supreme Court judgment dated 31.08.2017 in Civil Appeal No.22 of 2009 C.S. Shyam vs Canara Bank.

(iv) On Point 6 of the RTI application, it is observed that CPIO has provided incomplete information. The appointment of Information Commissioners is done by DoPT, therefore, **direction is given to Shri Sushil Kumar, DS(Admn) cum CPIO to transfer this part of Point-6 to DoPT for providing information to the appellant and part information regarding copy of correspondence for appointment, if any, in respect of Shri R.P. Grover, DO to IC(YA) be provided to the appellant within 1 week from the date of receipt of the order.**

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

8. 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 9th August, 2018.

OK

C. I. C./के० सू० आ०
RECEIVED
10 AUG 2018
D. No.
Initials.


(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(Admn), CIC, New Delhi
- Amr
10/08/18
Record
10/08/18