

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

CIC/AA/A/2018/240
CICOM/A/2018/00210
CICOM/R/2018/00768

Name of the appellant : Shri Krishna Kant Sharma,
16/A-1, Hindustan Times Apartments,
Mayur Vihar, Phase-1,
Delhi – 110 091.

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|----|---|-------------------------|
| 1. | Date of RTI application | Nil |
| 2. | Date of reply of the RTI application | 09.08.2018 & 17.08.2018 |
| 3. | CPIO(s) who furnished reply | PA to AS & DO to IC(YA) |
| 4. | 1 st Appeal Date | 05.09.2018 |
| 5. | Diary No. of 1 st Appeal of the Dak Section | 2340 |
| 6. | Diary date of the Dak Section | 06.09.2018 |
| 7. | Diary date of 1 st Appeal in the office of FAA | 06.09.2018 |
| 8. | Date of Hearing | 05.10.2018 |

Appellant was present. Shri R.P. Grover, CPIO & DO to IC(YA) and Shri TBJs Rajappa, CPIO, RTI Cell were present.

Brief facts of the case:-

In the RTI application, appellant has sought 27 points information in respect of his two complaints dated 07.05.2018 and 14.05.2018 in connection with case File No.CIC/DEPOL/C/2017/137736 and No.CIC/DEPOL/C/2017/171759 sent through email to Shri Radha Krishna Mathur, Chief Information Commissioner, Shri Yashovardhan Azad, Information Commissioner, Secretary, CIC and Shri Rakesh Kumar Singh, Additional Secretary.

2. The present appeal was earlier fixed for hearing on 05.09.2018 but since Shri R.K. Singh, Additional Secretary & First Appellate Authority has been made one of the parties, he recused himself from adjudicating the appeal. Hence, competent authority has directed the undersigned to adjudicate the first appeal.

3. Shri R.P. Grover, CPIO & DO to IC(YA) and Shri Mahesh Rawat, PA to AS have furnished the information to the appellant.

4. Aggrieved with the response received from the CPIO and deemed CPIO, appellant has filed first appeal.

P.T.O.

Decision with reasons:-

5. During the hearing, appellant has stated that he has clearly mentioned in his RTI application that it should not be shared either with the Mr. Malhotra, PS to IC(YA) and Shri Vivek Sheel, LC as they are accused of corruption by the complainant. Sharing his RTI with them, would mean helping the accused cover his tracks. But despite of this, all the information contained in the RTI, has been shared with Mr. Malhotra, PS to IC(YA), thereby subverting the entire process and helping the accused know the evidence against him and cover his tracks. Further, in the reply dated 24.08.2018, PS to IC(YA) states that taking cognizance of my complaint, the IC(YA) has ordered an enquiry which is being conducted by the Registrar of the Commission. However, PA to AS/FAA states that no information is available on record regarding action taken on the complaints dated 07.05.2018 and 14.05.2018. Just how these two contradicting replies can be true at the same time, is beyond human comprehension.

6. In regard to contradictory reply of PA to AS, the matter has been enquired with him. Shri Rawat, PA to AS informed that information furnished by him is confined to A.S. secretariat only meaning thereby that he informed that A.S. has not taken any action on the emails sent by the appellant in the email I/D to A.S. So there is no contradictory reply furnished, as assumed by the appellant. Similarly, PS to IC(YA) has furnished the information regarding action taken on the emails sent to the email I/D of IC(YA).

7. After hearing the arguments of the appellant during the hearing and on perusal of the preliminary objections submitted during the hearing by the appellant, replies of the CPIO/Deemed CPIO, it is observed that issue raised by the appellant is closely related to grievance and appellant wants to solve his grievance in the garb of RTI. Hence, appellant is advised to take up the matter of his grievance separately in the Commission.

8. In view of the above, it is observed that information furnished by the CPIO is appropriate and factual, therefore, no further intervention is required on the part of the FAA, in the matter.

9. The appeal is, therefore, disposed of accordingly.


10. 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.

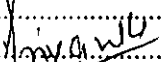
Dated the 17th October, 2018.


(Anil Kumar Gehlot)
Joint Secretary & First Appellate Authority

Copy to:-

1. Shri TBJs Rajappa, CPIO, RTI Cell, CIC, New Delhi.


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