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

CIC/AA/A/2018/262
CICOM/A/2018/00230
CICOM/R/2018/00878

Name of the appellant : Shri P.S. Agrawal,
H.No.553, Vigyan Vihar,
Sector-49-A,
Chandigarh – 160 047.

1.	Date of RTI application	27.08.2018
2.	Date of reply of the RTI application	18.09.2018
3.	CPIO(s) who furnished reply	DR to CR-I
4.	1st Appeal Date	01.10.2018
5.	Diary No. of 1st Appeal of the Dak Section	3772
6.	Diary date of the Dak Section	08.10.2018
7.	Diary date of 1st Appeal in the office of FAA	09.10.2018
8.	**Date of Decision**	**11.10.2018**

Brief facts of the case:-

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

"1. Status of the appeal dated 21.09.2016 (RTI Application dated 06.02.206) dispatched on dated 21.09.2016 which is delivered by postal department on dated 23.09.2016 in CIC office. But it was sent back to the appellant for removal of deficiencies, which is delivered by postal department in CIC office on dated 14.06.2017. Pl. specify the tentative date of hearing.

2. *Status of the two complaints dated 25.09.2017 (RTI Application dated 26.11.2016 & 20.03.2017) dispatched on dated 26.09.2017 which are delivered on 28.09.2017 in CIC office by postal department. Pl. specify the tentative date of hearing.*

3. *Is there any time period fixed for CIC in RTI Act 2005 for hearing of any appeal/complaint filed in CIC.*

4. *What procedure/method to be adopted/followed by the appellant/complainant if C.P.I.O. is not complying/following the Order of Information Commissioner as per instructions (not providing information within specified time period as per order of Information Commissioner).*

5. *Which rule of RTI Act, 2005, legally authorize the Information Commissioner to let off the C.P.I.O. only by giving warning in the order if C.P.I.O. does not provide information under sub-rule (1) of rule 7 of RTI Act, 2005 or provide incomplete, irrelevant, unwanted & misleading information to the Appellant.*

P.T.O.

6. *Which rule of RTI Act 2005, legally authorize the CPIO to call the RTI seeker for inspection of files while it is not demanded by the RTI applicant in his RTI application."*

2. Shri Krishan Avtar Talwar, CPIO & DR to CR-I vide letter dated 18.09.2018 has furnished following information:-

"1 & 2

S.No.	Letter Date	Received Date in CIC	Diary No.	Current Status
1.	21.09.2016	10.10.2018	178232	As referred by the appellant himself, a Facilitation Memo was dispatched on 21.04.2017 by Speed Post vide No.ED319388072IN.
2.	12.06.2017	15.06.2017	141109	A file no.CIC/UTOCH/A/2017/ 141109** was registered on 16.06.2017
3.	25.09.2017	28.09.2017	168556	A file no.CIC/UTOCH/A/2017/ 168556/C was registered on 29.09.2017 hearing on which appears to be scheduled for 24.09.2018 at 13.45 PM
4.	25.09.2017	14.09.2018	156803	A file no.CIC/UTOCH/C/2018/ 156803** was registered 17.09.2018 on RTI dated 26.11.2016.

***It will be listed for hearing in due course of time. Tentative date is not available on record.*

3. No.

4. A copy of order issued from File No.11/JS(Law)2016/CIC dated 29.11.2016 (also available on the web-site of the Commission (https://cic.gov.in) under circulars of CIC.

5 & 6 Dehors section 2(f) of RTI Act."

3. In the appeal, appellant has stated that *"....the CPIO has provided incomplete and confusing information through RTI reply dated 18.09.2018 on the following points:-*

Point no.1 & 2, Sr. no.04

Two complaints were sent to CIC on dated 25.09.2017 in one envelop as mentioned at sr.no.3 & 4 of RTI reply dated 18.09.2018 of 1 & 2. Sr. no.03 complaint dated 25.09.2017 was received in CIC on 28.09.2017, diary no.168556 while Sr. no.04 complaint of same date is received in CIC on 14.09.2018 vide diary no.156803 almost after one year of the dispatch. How it is possible?

Point no.05 & 06 of RTI application

The CPIO has provided incomplete and misleading information and not as per the subject asked in RTI application at sr. no.05 & 06."

Decision with reasons:-

4. The appellant was contacted over his given mobile number. He is aggrieved with the reply of CPIO on Points 2, 5 & 6 of the RTI application. On Point 2, he stated that two complaints dated 25.09.2017 were sent in one envelope but as per reply of CPIO out of two one complaint received in CIC on 28.09.2017 and registered vide No.CIC/UTOCH/A/2017/168556 on 29.09.2017 and the other complaint was received in CIC on 14.09.2018 registered vide No.CIC/UTOCH/C/2018/156803. It is not understood, how one complaint is showing received on 14.09.2018, after one year though both complaints were sent in one envelope. **Direction, in this regard, is given to Shri Krishan Avtar Talwar, CPIO & DR to CR-I to enquire into the matter of late registration of complaint and intimate the same to the appellant within 2 weeks from the date of receipt of the order**.

5. As regards Point 5 & 6 of the RTI application, the appellant has been explained over phone that CPIO as well as FAA of the Commission has no obligation to interpret RTI Act/Rules. Furthermore, CPIO as well as FAA of the Commission cannot comment on the orders of the Commission.

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

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 11th ~~October~~ 2018.

C.I.C./सू.आ.
RECEIVED
11 OCT 2018
D. No.....
Initials.....

(Rakesh Kumar Singh)
Additional Secretary & First Appellate Authority
Tel: 26162290

Copy to:-

1. The CPIO, RTI Cell, CIC, New Delhi.
2. Shri Krishan Avtar Talwar, CPIO & DR to CR-I, CIC, New Delhi.