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

CIC/AA/A/2018/270
CICOM/A/2018/00238
CICOM/R/2018/50652

Name of the appellant : Shri A. Anand,
C/o Kundan Kumar,
H.No.401/2M, Budh Vihar,
Munirka,
New Delhi – 110 067.

1.	Date of online RTI application	28.08.2018
2.	Date of reply of the RTI application	28.06.2018
3.	CPIO(s) who furnished reply	DO to IC(SA)
4.	1st Appeal Date	08.10.2018 received through email
5.	Diary date of 1st Appeal in the office of FAA	17.10.2018
6.	**Date of Decision**	**22.10.2018**

The appellant has sent this unsigned first appeal through email. The appellant was contacted over his given mobile and advised to file appeal duly signed either through online portal of DoPT or by post. But he said that he has already filed it through email and now it is upto the appellate authority to reject it or consider it. The appellant was adamant to file in proper mode of filing first appeal, as advised. However, keeping in the view of spirit of RTI Act, the appeal has been registered.

Brief facts of the case:-

In the RTI application, appellant has stated that:-

"No. RTI Application/CIC/3018/2018 CPIO CIC Sir, Sh. T.K.Mohapatra, Dy. Registrar/CPIO of IC-SA vide reply dated 28-06-2018 having File No. CICOM-R-2018-50350-SA-068-FA provided the true/certified copy of record of proceeding of date of hearing on 11-05-2018 of Complaint having file no.CIC/NYUKS/C/2017/146410 & record of proceeding of date of hearing on 15-05-2018 of Second Appeal having file no.CIC/NYUKS/A/2017/144856 disposed off from the Honourable Court of Information Commissioner Mr. M. Sridhar Acharyulu of CIC. At the foot of the said record of proceeding dt.11-05-2018 & dt.15-05-2018, the legal consultant had put his/her signature as find mentioned on said record of proceedings, but from the signature of legal consultant put on said record of proceeding dt.11-05-2018 & dt.15-05-2018 it appears that both the legal consultants are not the same person rather different person as the said signature is different on both the said record of proceeding, which is apparently clear from the said true copy (said true copy attached). At the foot of the said record of proceeding dt.11-05-2018 & dt.15-05-2018 it is mentioned-penalty dropped Kindly provide me the following Information U/S 6 of RTI Act 2005 based on said record of proceeding –

P.T.O.

1. In connection with the said record of proceeding dt.11-05-2018-

(I) provide the date on which said legal consultant had put his/her signature at the foot of the said record of proceeding dt.11-05-2018.

(II) provide the name , designation & date of joining CIC of said legal consultant who had put his/her signature at the foot of the said record of proceeding dt.11-05-2018

2. In connection with the said record of proceeding dt.15-05-2018-

(I) provide the date on which said legal consultant had put his/her signature at the foot of the said record of proceeding dt.15-05-2018.

(II) provide the name , designation & date of joining CIC of said legal consultant who had put his/her signature at the foot of the said record of proceeding dt.15-05-2018.

3. At the foot of the said record of proceeding dt.11-05-2018 & dt.15-05-2018 it is mentioned-penalty dropped

(I) Provide the name , designation of person who has written said -penalty dropped on both the said record of proceeding dt.11-05-2018 & dt.15-05-2018

(II) Provide the date on which said - penalty dropped was mentioned on said record of proceeding dt.11-05-2018 & dt.15-05-2018.

4. Kindly provide me the point wise information of each of the 6 points of Information sought as mentioned above.

5. File notings on the movement of this RTI Application on all the above points."

2. On Para 1 and 3 of the appeal, appellant has stated that:-

"1. .....The Information sought related to record ***of proceeding of date of hearing on 11-05-2018 of my Complaint having file no.CIC/NYUKS/C/2017/146410 & record of proceeding of date of hearing on 15-05-2018 of my Second Appeal having file no.CIC/NYUKS/A/2017/144856 disposed off by the Information Commissioner*** *Mr. M. Sridhar Acharyulu of CIC(IC-SA). Information sought matter pertains to above-mentioned* ***CPIO-Cum-Dy. Registrar of IC-SA of CIC.*** *Statutory time limit of 30 days as per S.7(1) of RTI Act has expired but the said CPIO till date has not sent the information sought on my mailing address of Delhi as finds mentioned in my said RTI Application.....*

3. ..... considering the totality of all his official work & other statutory duties & such delay only speaks about that ***said record of proceedings of my said RTI Complaint/Second Appeal contains wrong facts & the same has been made & obtained fraudulently."***

Decision with reasons:-

3. On perusal of the RTI-MIS portal, it is observed that online RTI application was received on 28.08.2018 and CPIO, RTI Cell has transferred it online to Shri T.K.

Mohapatra, CPIO & DR to IC(SA) on 29.08.2018. Shri Mohapatra has furnished online reply to the appellant on 24.09.2018. The appellant may check the status of his said online RTI application once again. The allegation made by the appellant that no reply was given by the CPIO is baseless and incorrect. However, following online reply has been furnished by Shri Mohapatra, CPIO:-

1(i) No such information available separately with the CPIO other than that is available in the document copy of which is also available with you being taken through earlier RTI Application from this Commission.

1(ii) CPIO is not supposed to enquire or go through the contents of any documents and provide the details.

2(i) No such information available separately with the CPIO other than that is available in the document copy of which is also available with you being taken through earlier RTI Application from this Commission.

2(ii) CPIO is not supposed to enquire or go through the contents of any documents and provide the details.

3(i) No such information available separately with the CPIO other than that is available in the document copy of which is also available with you being taken through earlier RTI Application from this Commission.

3(ii) No information available other than that is available in the order of the Commission.

4&5 There is no file notings available. Movement of the RTI Application is available in the RTI portal which can be viewed by you."

4. From the above, it is observed that reply furnished by the CPIO is appropriate and factual, therefore, no intervention is required on the part of the FAA, in the matter.

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

6. 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 23rd October, 2018.

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

Copy to:-

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

C. I. C./के० सू० आ०
RECEIVED
21 OCT 2018
D. No.....
Initials.....