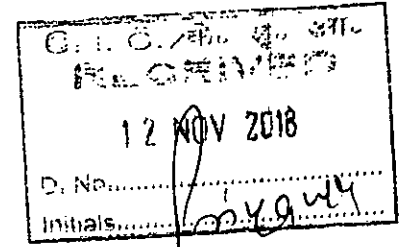


Central Information Commission
Baba Gang Nath Marg,
Munirka, New Delhi -110067.

CIC/AA/A/2018/282
CICOM/A/2018/00250
CICOM/R/2018/00737



Name of the appellant : Shri Om Prakash Soni,
H.No.F-414, Shree Hans Garden,
Svy No.18,
Dhanori – Lohgaon Road,
Pune – 411 015.

1.	Date of RTI application	14.07.2018
2.	Date of reply of the RTI application	24.07.2018
3.	CPIO(s) who furnished reply	DO to IC(DP)
4.	1 st Appeal Date	06.10.2018
5.	Diary No. of 1 st Appeal of the Dak Section	4231
6.	Diary date of the Dak Section	17.10.2018
7.	Diary date of 1 st Appeal in the office of FAA	22.10.2018
8.	Date of Decision	09.11.2018

Brief facts of the case:-

In the RTI application, appellant has stated that "...required information has not so far been received from the AC Records and AC Records states that they submitted the copies of so said DPCs to you as per directions issued by you vide your direction orders bearing No.CIC/CC/A/2015/001039/SAD dated 23 Sept 2016. You are requested to provide me copies of the same for my further pursuance of the case."

2. Shri H.P. Sen, CPIO & DO to IC(DP) vide letter dated 24.07.2018 responded that:-

"With reference to your above RTI application, it may be mentioned that AC Records have not provided any copy of the DPC to CIC. AC records had, however, intimated about the provisioning of copies of DPCs to you vide their letter dated 26.7.2017. Copies of two of their replies dated 26.7.2017 and 18.8.2017 are enclosed for your information."

Decision with reasons:-

4. On perusal of the RTI application, CPIOs reply and appeal, it is observed that the appellant is not aggrieved with the response of the CPIO but he seems to be aggrieved

P.T.O.

0/c

[2]

with the non-compliance of the Commission's Order No.CIC/CC/A/2015/001039/SAD dated 23 Sept 2016. Therefore, appellant was contacted over his given mobile who informed that the respondent CPIO has not complied with the Commission's order till date. The appellant was, therefore, explained that he may file non-compliance petition against the respondent CPIO in the Commission, **as per the proforma enclosed**. The appellant was satisfied and has no other issues.

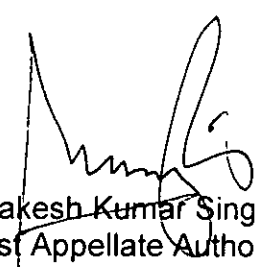
5. The above position was also explained to the appellant over his given mobile number.

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

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 November, 2018.

Encl. A/a


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

Copy to:-

✓ 1. Shri TBJs Rajappa, CPIO, RTI Cell, CIC, New Delhi.
Aww
12/11/18

Dated the 29th November, 2016

ORDER

Sub: Compliance of the orders of the Commission.

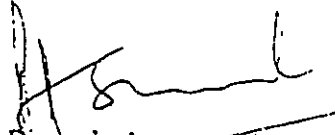
The Right to Information Act, 2005 confers powers on the Commission to impose penalties, and by necessary implication, to enable the Commission to do everything which is indispensable for the purposes of carrying out the objectives of the Act. This is supported by a number of judgements of various High Courts.

Now, therefore, in supersession of all the earlier decisions/instructions/orders issued on the subject, it has been decided that henceforth the communications reporting non-compliance of the Commission's order passed under the Act shall be dealt with in the following manner:-

- (i) The communication for non-compliance of the Commission's order shall be entertained only if it is made as per the attached format within 3 months from the date of non-compliance. Non-compliance communication which is not received in the format prescribed or containing insufficient details shall be returned in original to the sender with an appropriate facilitation memo. A communication of non-compliance may be considered even after the prescribed period, if the applicant satisfies the Commission that he had sufficient cause for not making application within such period.
- (ii) In cases where no time period is fixed for complying with the orders of the Commission, it shall be presumed that the same are to be complied within 30 days from the date of the said order.
- (iii) Communications reporting non-compliance received in the Commission by post/hand or by email shall be allotted a diary number by the Dak Section and

forwarded to the Central Registry. Thereafter, the same shall be scanned and appended to the e-book of the concerned case file by the Central Registry;

- (iv) Communications reporting non-compliance received online/email by the Commission shall be allotted a diary number by the software. Thereafter, the same shall be appended to the e-book of the concerned case file by the Central Registry.
- (v) All such communications thus appended will thereafter be processed in the concerned case file by the concerned Registry.


(Piyush Agarwal)
Registrar

To

1. Shri Subhash Sharma, DR to Chief IC.
2. Shri R.L. Gupta, DR to IC (BS).
3. Shri Ram Parkash Grover, DR to IC (YA).
4. Shri Vijay Bhalla, DR to IC (SH).
5. Shri T.K. Mohapatra, DR to IC (MP).
6. Shri K.A. Talwar, DR to IC(KY).
7. Shri Dinesh Kumar, DR to IC(SA).
8. Shri V.K. Sharma, DR to IC (SB).
9. Shri K.L. Das, DR to IC(BJ).
10. Shri H.P. Sen, DR to IC(DP).
11. Shri A.K. Talapatra, DR to IC(AB).
12. Shri Umesh Chandra Joshi, DR (CR).

Copy to:

1. PSs to Secretary/Additional Secretary.
2. JS(MR)/JS(A)/JS(Law)/JS(P&B).
3. In Charge, Dak Section.
4. NIC with the request to upload it on the website of the Commission.

Format for Filing Non-Compliance Application

Ministry/Department/~~Public Authority~~ Details

Name & address of Public Authority _____

Applicant's Particulars

Name of Applicant _____

Address Change Intimation

Change of address of Applicant (if any) _____

Change of mobile number (if any) _____

Change in email I/D (if any) _____

Details of Application

Commission's Order No. & Date _____

Response of CPIO

CPIO's response received in _____ Yes _____ No _____
pursuance to the Commission's order

Copy of CPIO Reply, if received _____

Grounds of Non-Compliance application _____

Reasons for delay in filing non-
compliance, if any and grounds for
seeking extension of limitation of
time _____

Signature.....
Date.....
Place.....