

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

CIC/AA/A/2018/296
CICOM/A/2018/00258
CICOM/R/2018/00960

Name of the appellant : Shri I.K. Saini,
A-70, 2nd Floor,
NDSE-II,
New Delhi – 110 049.

1.	Date of online RTI application	12.09.2018
2.	Date of reply of the RTI application	25.10.2018
3.	CPIO(s) who furnished reply	CPIO (Legal Cell)
4.	1 st Appeal Date	17.11.2018
5.	Diary No. of 1 st Appeal of the Dak Section	5524
6.	Diary date of the Dak Section	22.11.2018
7.	Diary date of 1 st Appeal in the office of FAA	26.11.2018
8.	Date of Hearing	17.12.2018

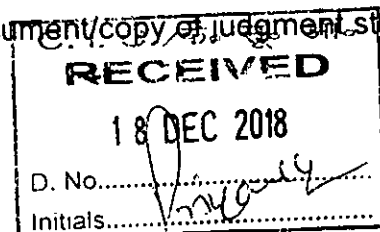
Appellant was present. Shri Kishore Kumar Pukhral, CPIO(Legal Cell) and Shri TBJS Rajappa, CPIO, RTI Cell were present.

Decision with reasons:-

2. During the hearing, appellant has stated that in WP(C) No.577 of 2017 titled 'I.K. Saini Vs Central Information Commission & Ors' decided on 22.05.2018, Central Information Commission legal representative produced a judgment of the Hon'ble High Court of Delhi during court proceedings on the basis of which the said court case was decided in his favour. In the RTI application, he sought copy of the said judgment produced by the legal representative of CIC. But CPIO, Legal Cell has replied that "No record for the information sought, is available in the concerned file of legal cell."

Since the CIC is the custodian of the desired information, the copy of said judgment should be with the Legal Cell of CIC but if not on record of the Legal Cell, it could be with the legal representative of the CIC who has been marked in the order passed in WP(C) No.577 of 2017 and under the circumstances, such information would be with the CIC authorities.

3. Shri Kishore Kumar Pukhral, CPIO, Legal Cell stated during the hearing that it is appellant's view that Hon'ble High Court of Delhi in WP(C) No.577 of 2017 passed order in favour of the appellant on the basis of the document/copy of judgment stated to be



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produced by the representative of the CIC as there is no mention/reference of any document/copy of judgment produced by the representative of the CIC during the proceedings of WP(C) No.577 of 2017.

4. After hearing submissions of the appellant and CPIO, the FAA is of the view that since no specific reference of the said judgment has been provided by the appellant, CPIO cannot provide the information sought. As per RTI Act, CPIO can provide only that information, which is available on record of the CPIO. Hence, an appropriate response has been furnished by the CPIO and no further intervention is required on the part of the FAA, in the matter.

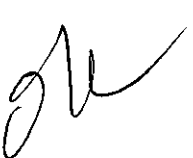
5. In case the appellant is aggrieved by the decision, he is free to file second appeal, if he so desires, before the Central Information Commission, Baba Gang Nath Marg, Munirka, New Delhi-110067 against this order within 90 days.

Dated the 17th December, 2018.


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

Copy to:-

Shri TBSJ Rajappa, CPIO, RTI Cell, CIC, New Delhi.


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Avt
18/12/18