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

CIC/AA/A/2018/55, 74, 76
CICOM/A/2018/60023, 60037, 60032
CICOM/R/2018/50124, 50148, 50108

Name of the appellant : Shri Jasbir Singh Arora
85, GF, Jeewan Nagar,
Bala Sahib Road,
New Delhi – 110 014.

1.	Date of online RTI application	19.02.18, 10.02.2018 & 27.02.18
2.	Date of reply of the RTI application	27.02.2018, 19.02.18 & 14.03.18
3.	CPIO(s) who furnished reply	DO to IC(DP)
4.	Online 1st Appeal Date	19.03.18, 08.03.2018 & 14.03.18
5.	**Date of Hearing**	**16.03.2018**

Brief facts of the case:-

The appellant filed three online RTI applications and filed three online first appeals against the reply of the CPIO. Information sought on these three RTI applications are of similar nature concerning to case F.No.CIC/YA/A/2016/900414 and CIC/YA/A/2016/000161. Therefore, all three first appeals are clubbed with.

Appellant was present. Shri H.P. Sen, CPIO & DO to IC(DP) and Shri A.K. Sharma, CPIO, RTI Cell were also present during the hearing. In the RTI application, the appellant has sought inspection of case F.No.CIC/YA/A/2016/900414 and CIC/YA/A/2016/000161. Shri H.P. Sen, CPIO cum DO to IC(DP) vide letter dated 19.02.2018 offered inspection and asked the appellant to visit office on any working day in between 3 to 4 pm.

Decision with reasons:-

2. During the hearing, the appellant has stated that he inspected both the case files on 23.02.2018 and stated that in both case files few documents were found missing i.e. (i) In case File No. CIC/YA/A/2016/900414, Dy.No.127971 dt. 28.04.2017, Dy.No.122161 dt. 03.04.2017 and Dy.No.106146 dt. 30.01.2017 were not found, (ii) some more documents are missing which were also diarized in the Commission (iii) emails sent by him were also not found available in the case file.

3. The appellant further stated that the CPIO has furnished misleading information in respect of the Commission order dated 29.03.2017 in response to his another RTI application that no such decision dated 29.03.2017 is available in the case File No. CIC/YA/A/2016/000161. The appellant has shown a print out of the CIC's website where under column 'Decision', the said communication was displayed. In this regard, Shri H.P.

P.T.O.

Sen, CPIO cum DO to IC(DP) has submitted that letter dated 29.03.2017 of Shri V.K. Shama, ex. CPIO cum DO to IC(SB) is not a decision as envisaged by the appellant, it is a communication vide which Shri V.K. Sharma intimated the appellant that the respondent has vide letter dated 02.08.2016 complied with the directions of the Commission and no further action lies. It was also mentioned in that communication that "*This has the approval of IC(SB).*" It is also available in the concerned case file. Since it is not a decision, the question of providing/issuing copy of hearing notice does not arise. The appellant contested the statement of the CPIO that letter dated 29.03.2017 of Shri V.K. Sharma is not a decision. He stated that it was uploaded by the Commission in its website under the column 'Decision' so it must be a decision.

4. On perusal of the submissions of the appellant and CPIO, it is come out that appellant has sought notice of hearing, if held, attendance sheet in which appellant/complainant had signed and copy of approval of competent authority in respect of decision dated 29.03.2017 in case file CIC/YA/A/2016/000161 and the same was denied by the CPIO as no such decision dated 29.03.2017 is available in the concerned case file. During the hearing, copy of stated communication to be decision was shown by the appellant although the same has appeared in CIC MIS as a decision but the CPIO was of the opinion that it is not a decision, therefore, he has not misled the appellant but provided factual information. In view of the above, information furnished by the CPIO is found appropriate and factual.

5. In the RTI applications, the appellant has sought certain copies and inspection of the case File Nos.CIC/YA/A/2016/900414 and CIC/YA/A/2016/000161 and the appellant has inspected both the case files and has certain observations, which are mentioned at Para-2 above. CPIO has stated that he has nothing to hide or suppress and he has shown all the documents available in the concerned case files and he has no comment to offer regarding allegation of the missing papers. Since the CPIO has offered inspection and has shown entire information available at his disposal, he has complied with the provisions of the RTI Act.

5. In view of the above, the appeal is disposed off 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 20th March, 2018.

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

21/03/18

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

Copy to:-

1. The CPIO, RTI Cell, CIC, New Delhi.
2. Shri H.P. Sen. CPIO & DO to IC(DP), CIC, New Delhi.

21/03/18