

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

CIC/AA/A/2018/169
CICOM/A/2018/60087
CICOM/R/2018/50393

Name of the appellant : Shri Varun Krishna,
213, Gobind Appts.,
B-2, Vasundhara Enclave,
Delhi – 110 096.

1.	Date of online RTI application	30.05.2018
2.	Date of reply of the RTI application	21.06.2018
3.	CPIO(s) who furnished reply	DO to IC(BJ)
4.	Online 1 st Appeal Date	03.07.2018
5.	Diary date of 1 st Appeal in the office of FAA	09.07.2018
6.	Date of Hearing	13.07.2018

The appellant was present. Shri K.L. Das, CPIO & DO to IC(BJ) and Shri Ashok Kumar Sharma, CPIO, RTI Cell were present.

Brief facts of the case:-

In the RTI application, appellant has sought inspection of files of all appellant's and complainant's cases where show cause notice is issued to India Security Press, Nashik since 2017 to till date.

2. Shri K.L. Das, CPIO & DO to IC(BJ) vide reply dated 21.06.2018 has furnished following information:-

"In this connection it is informed that information sought by you is vague and unspecific. In case any specific File/Case No. relating to your own case is indicated, there may not be any objection to your inspection."

3. In the appeal, appellant has stated that the PIO denied the inspection on grounds outside the scope of u/s 8 or u/s 9 of RTI Act and submitted on the ground that:-

"1. The PIO is denying inspection on his own personally made grounds that:

A. Information sought is vague and unspecific:

The PIO's contentions are false because very clearly, I have demanded inspection of files of ALL appellant's and complainant's cases where Show Cause notice is issued to India Security Press, Nashik.

It is not understood from PIO what did he find vague and unspecific in this case,

B. File/Cases not relating to my case:

P.T.O.

As per RTI Act if any information is denied then exemption is quoted along with applicable explanation is provided u/s 7(8)(i) + 19(5), The Id PIO did not quote any exemption nor any explanation which proves that the intention of PIO is mala-fide."

4. In support of his submission, appellant has referred four CIC's decisions viz. No.CIC/OK/A/2006/00163 dated 07.07.2006, CIC/OK/C/2006/00010 dated 07.07.2006, CIC/SG/A/2011/003607/17371 dated 10.03.2012 and CIC/BS/A/2013/000681/4968 dated 24.04.2014 and judgment of Hon'ble High Court of Delhi in WP(C) No.12428/2009 and Hon'ble High Court of Kerala in WP(C) No.3114/2007.

Decision with reasons:-

5. During the hearing, appellant has reiterated the same. The CPIO, Shri K.L. Das submitted that the appellant has sought inspection of records of the case files in which show cause notices issued against the third party and it would be violation of Section 11 of the RTI Act. Therefore, he denied offering inspection. However, he also clearly intimated the appellant that in case specific File/Case number relating to own case of the appellant is indicated, there may not be any objection to the inspection. In this regard, the CPIO has also referred to Hon'ble High Court of Delhi decision in the matter of Ankur Mutreja vs. Delhi University LPA 764/2011 dated 09.01.2012, which held that:-

"The Act does not provide for the CIC to hear the complainant or the appellant in the penalty proceedings, though there is no bar also there against if the CIC so desires. However, the complainant cannot as a matter of right claim audience in the penalty proceedings which are between the CIC and the erring Information Officer."

6. From the above, it is clear that penalty proceedings are between the CIC and the erring Information Officer and complainant cannot as a matter of right claim audience. Show cause notices are issued to give an opportunity to the erring Information Officer to submit his view point before taking any decision on the imposition of penalty. Showing the case file of others during the process may even influence the proceedings. In this case no larger public interest is appears to be involved, therefore, I am in agreement with the logic and stand taken by the CPIO, which is appropriate in the light of the RTI Act.

7. The appeal is, therefore, disposed off accordingly.

8. 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 16th July, 2018.

C. I. C. / के. सू. आ.	
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Initials.....	<i>[Signature]</i>

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

Copy to:-

Shri Ashok Kumar Sharma, CPIO, RTI Cell, CIC, New Delhi.

AM
17/7/18