

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

CIC/AA/A/2018/224  
CICOM/A/2018/60127  
CICOM/R/2018/50556

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       | 02.08.2018   |
| 2. | Date of reply of the RTI application | 08.08.2018   |
| 3. | CPIO(s) who furnished reply          | DO to IC(DP) |
| 4. | Online 1 <sup>st</sup> Appeal Date   | 12.08.2018   |
| 5. | Date of Hearing                      | 24.08.2018   |

Appellant was present. Shri Ashok Kumar Sharma, CPIO, RTI Cell and Shri H.P. Sen, CPIO cum DO to IC(DP) were present during the hearing.

**Brief facts of the case:-**

2. In the RTI application, appellant has stated that:-

- "1.0 As on today a total of 2214 appeals are pending for hearing with the bench of Shri D.P. Sinha Honorable IC.
- 2.0 Two appeals CICOM/DVC/2017/178479 and CICOM/DVC/2017/311731 are at serial number 2201 and 2210.
- 3.0 Of the list from 2001 to 2014, as well as cause list of total of 136 such petitions, it has been noted that there are a total of 77 appeals admitted after my two appeals, as mentioned above for which hearing has already been fixed i.e. there are 77 such appeals hearing for which has been fixed out of turn.
- 4.0 As per the law, the Commission is required to allow out of turn hearing in case of Senior Citizen and Physically Handicapped candidates that too through a reasoned speaking order in each such case.
- 5.0 Accordingly, the registry was to fix hearing on out of turn basis after being satisfied of above stipulation. Information requested are the certified copies of such 77 speaking orders through which such out of turn hearing has already been fixed. The list of such 77 files is not being provided as in terms of one order of the Commission, every registry is required to maintain a register of out of turn hearing cases."

P.T.O.

3. Shri H.P. Sen, CPIO & DO to IC(DP) vide letter dated 08.08.2018 has replied as under:-

*"With reference to your above RTI application, no information on out of turn hearing in respect of 77 files is available in the file."*

**Decision with reasons:-**

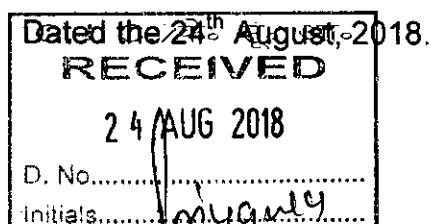
4. During the hearing, appellant has stated that he has already submitted his submissions in his appeal as well as in the email dated 22.08.2018, therefore, CPIO, Shri H.P. Sen may submit his submission. Shri Sen, CPIO stated that he has already furnished factual information in his reply dated 08.08.2018 and has nothing more to say.

5. The appellant further stated that the CPIO should have provided justification or reasons for non-availability of information as without any justification/reasons, it tantamount to denial of information. If the information is being denied, the relevant sections of the RTI Act should be quoted.

6. The appellant has been explained during the hearing that CPIO can provide information, which is available on his record and he is not suppose to create information. Since factual information on the basis of record available with the CPIO has been provided, no intervention is required on the part of the FAA, in the matter.

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.



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

Copy to:-

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

*Am*  
*24/08/18*