

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

CIC/AA/A/2018/320
CICOM/A/2018/60194
CICOM/R/2018/50278

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	21.04.2018
2.	Date of reply of the RTI application	11.05.2018
3.	CPIO(s) who furnished reply	DO to IC(DP)
4.	Online 1 st Appeal Date	15.12.2018
5.	Date of Hearing	28.12.2018

On the request of the appellant, he was heard over phone. Shri H.P. Sen, CPIO & DO to IC(DP) was present during the hearing.

Brief facts of the case:-

2. In the RTI application, appellant has sought following information:-

"A letter dated 26.03.2018 consisting of three pages was faxed to Shri R.K. Mathur Hon CIC from my fax number 011-40537017 at 12.0 Hrs on 27.03.2018 on declaring decision dated 06.02.2018 in F.No.CIC/YA/A/2016/900414 as null being ultra vires in view of landmark judgement in WP-C 3530 of 2011 ANNOUNCED ON 21.11.2017. KINDLY PROVIDE THE DOCUMENTS IN SUPPORT OF DECISION TAKEN BY SHRI R.K. MATHUR."

3. Shri H.P. Sen, CPIO & DO to IC(DP) vide letter dated 11.05.2018 has furnished following information:-

"....it may be mentioned that no record is available in the file (No.CIC/YA/2016/900414) about the decision taken on your fax message dated 27.03.2018 addressed to the Hon'ble CIC, Shri R.K. Mathur. The undersigned, therefore, express its inability to provide any document in this regard."

Decision with reasons:-

4. During the hearing over phone, appellant has reiterated the contents of his appeal. Shri H.P. Sen, CPIO has clarified during the hearing that there was no such fax available in the concerned case file. It was faxed to former Chief Information Commissioner, Shri R.K. Mathur. However, appellant has sought documents in support of decision dated 06.02.2018 taken by Shri R.K. Mathur. In this regard, it is to mention that CPIO cannot comment on the orders of the Commission.

P.T.O.

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5. Since the letter dated 26.03.2018 was faxed to Shri R.K. Mathur, former Chief Information Commissioner, **direction is given to Shri H.P. Sen, CPIO & DO to IC(DP) to take assistance u/s 5(4) of the RTI Act from PS to former Chief IC and inform the appellant, if any action taken on it or not to the appellant within 2 weeks from the date of receipt of the order.**

6. As regards providing of documents in support of the decision dated 06.02.2018 taken by former Chief IC is concerned, appropriate information has been provided by the CPIO during the hearing that CPIO cannot comment on the orders of the Commission, therefore, no further intervention is required on the part of the FAA, on this point.

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 28th December, 2018.

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

Copy to:-

1. The CPIO, RTI Cell, CIC, New Delhi. *meen 31/12/18*
2. Shri H.P. Sen, CPIO & DO to IC(DP), CIC, New Delhi. *Poonam 31/12/18 (IC-DP)*
- d/c*