

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

CIC/AA/A/2019/03
CICOM/A/2019/00002
CICOM/R/2018/01175

Name of the appellant : Shri Prem Chand Verma,
10445, Bagichi Peerji,
Subzi Mandi Rly. Station,
Delhi – 110 007.

| | | |
|----|---|----------------|
| 1. | Date of RTI application | 06.12.2018 |
| 2. | Date of reply of the RTI application | 17.12.2018 |
| 3. | CPIO(s) who furnished reply | CPIO, RTI Cell |
| 4. | 1 st Appeal Date | 26.12.2018 |
| 5. | Diary No. of 1 st Appeal of the Dak Section | 6996 |
| 6. | Diary date of the Dak Section | 02.01.2019 |
| 7. | Diary date of 1 st Appeal in the office of FAA | 04.01.2019 |
| 8. | Date of Decision | 09.01.2019 |

Brief facts of the case:-

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

"1. Certified copy of certain record and further oral information relating to the said certified record can whether be sought from the concerned public authority."

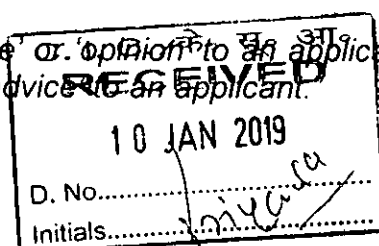
2. Shri TBS Rajappa, CPIO, RTI Cell vide letter dated 27.12.2018 has responded that:-

"It is to be mentioned that, under the RTI Act, 2005 the CPIO can provide the information which is held by the public authority. But in the instant case, you are seeking comments of the CPIO which does not cover within the definition of Section 2(f) of the RTI Act, 2005. However, you may go through the RTI Act, 2005 & RTI Rules, 2012 which is already available in public domain."

Decision with reasons:-

3. On perusal of the RTI application and appeal, it is observed that the appellant has not sought any information but seek advice from the CPIO. In this regard, appellant may refer to Hon'ble Supreme Court judgment in SLP(C) No.7526/2009 'CBSE & Anr. Vs. Aditya Bandopadhyay & Ors in which it was held that:-

"..... It is also not required to provide 'advice' or 'opinion' to an applicant, nor required to obtain and furnish any 'opinion' or 'advice' to an applicant."



P.T.O.

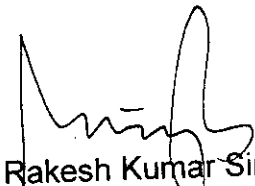
[2]

4. In view of the above, reply of the CPIO is appropriate and no further intervention is required on the part of the FAA, in the matter.

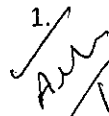
5. The appeal is, therefore, disposed of.

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 9th January 2019.


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

Copy to:-

1. 
Shri TBJs Rajappa, CPIO, RTI Cell, CIC, New Delhi.
