

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

CIC/AA/A/2019/29
CICOM/A/2019/00022
CICOM/R/2019/01097

Name of the appellant : Shri Prashanta Kumar Das,
204, Sanamoni Apartments,
Cuttack – 753 009.
Odisha.

1.	Date of RTI application	05.11.2018
2.	Date of reply of the RTI application	19.11.2018
3.	CPIO(s) who furnished reply	DO to ex. CIC(RK)
4.	1 st Appeal Date	21.12.2018 received from Sr.Suptd.of Post Offices, Cuttack City Division vide letter No.CK City/RTI Misc/2018-19 dt. 04.01.2019.
5.	Diary No. of 1 st Appeal of the Dak Section	7869
6.	Diary date of the Dak Section	24.01.2019
7.	Diary date of 1 st Appeal in the office of FAA	28.01.2019
8.	Date of Hearing	25.02.2019

Appellant was not present. However, appellant has sent an email dated 22.02.2019 intimating therein his inability to attend hearing and requested to consider the grounds of first appeal and issue a speaking order on the same.

2. Shri S.C. Sharma, CPIO & DO to ex.CIC(RK) and Shri TBSJ Rajappa, CPIO, RTI Cell were present.

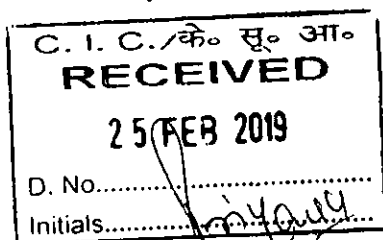
Brief facts of the case:-

3. In the RTI application, appellant has sought action taken and likely date of final disposal of his re-appeal petition dated 18.06.2018. Shri S.C. Sharma, CPIO & DO to ex.CIC(RK) vide letter dated 19.11.2018 responded that:-

"1. Your representation dated 18.06.2018 was received in the Commission and diarized with No.140703 dated 27.06.2018, regarding review of Commission's decision dated 11.05.2018 in respect of file No.CIC/SCOFI/A/2017/161781. Since there is no provision under RTI Act, 2005 to review its own decision given by the Commission, therefore, no specific action was taken on it."

4. In the appeal, appellant has stated that CPIO's order is not a speaking order, but an arbitrary and subjective, skewed and dismissive one, lacking in any explanation as to

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why the Commission had no power under RTI Act 2005 to review its own decision vis-a-vis the provision made under Section 19(9) of that Act itself. He further stated that in his petition dated 18.06.2018, he pointedly stated as to how the impugned order of the Chief CIC was completely irrelevant to the subject matter of the Second Appeal, being at the same time conspicuously biased in favour of the respondent i.e. CPIO and Addl. Registrar of Supreme Court. He also stated that in his representation, he repeatedly referred to Section 19(9) of RTI Act but CPIO in his sweeping reply had deliberately evaded any reference to this statutory provision and upheld the impugned order of the Chief IC, his superior authority.

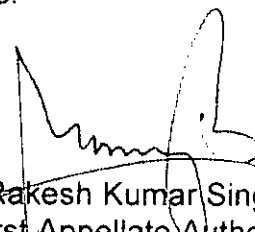
Decision with reasons:-

5. On perusal of the RTI application, CPIO's reply and submissions made in the appeal, it is observed that the information furnished by the CPIO appears to be factual and appropriate, therefore, no further intervention is required on the part of the FAA, in the matter. Moreover, it is to mention that CPIO as well as the FAA of the Commission has no jurisdiction to comment on the decision of the Commission.

6. The appeal is, therefore, disposed of.

7. 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 25th February 2019.


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

Copy to:-

1/ Shri TBJs Rajappa, CPIO, RTI Cell, CIC, New Delhi.
Aashu
25/02/19

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