

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

CIC/AA/A/2019/83
CICOM/A/2019/00068
CICOM/R/2019/00040

Name of the appellant : Shri Sandeep Kumar,
302, RPS Flats,
Sheikh Sarai Phase-1,
New Delhi – 110 017.

1.	Date of RTI application	31.12.2018
2.	Date of reply of the RTI application	18.01.2019
3.	CPIO(s) who furnished reply	DO to IC(DP)
4.	1 st Appeal Date	05.02.2019
5.	Diary No. of 1 st Appeal of the Dak Section	8360
6.	Diary date of the Dak Section	06.02.2019
7.	Diary date of 1 st Appeal in the office of FAA	06.02.2019
8.	Date of Decision	08.04.2019

In the appeal, appellant quoted a reference of FAA's order dated 06.12.2018 and accordingly it was presumed that appellant had filed non-compliance of FAA's decision, therefore, the said appeal was forwarded to Nodal Officer. Later on appellant contacted over phone and intimated that he filed said first appeal against the reply dated 18.01.2019 of CPIO & DO to IC(DP) which is related to FAA's order dated 06.12.2018. Accordingly, the said appeal has been registered.

2. On 04.04.2019, appellant has been contacted over his given mobile number, if he wants hearing of the appeal. Appellant informed that he had written his submissions in the appeal and if appellate authority intends to clarify any matter, he may be contacted over phone.

Brief facts of the case:-

3. On receipt of the compliance letter dated 11.12.2018 of FAA's order dated 06.12.2018 from Shri H.P. Sen, CPIO & DO to IC(DP), appellant filed RTI application dated 31.12.2018 and sought following information:-

"2 A) provide the information with regard to the reasons for not putting it to the Hon'ble Chief Information Commissioner consistent with its subject matter in view of the above position stated hereinbefore.

B) Without prejudice to the foregoing, since the reply provided by you in para 1 also does not provide any information with regard to the reasons for which my aforesaid complaint letter has been marked to you. I would thus request you to provide information with regard to reasons and purpose for which it is so marked.

P.T.O.

- C) provide the required specifying therein if this is the procedure that after receiving the complaint letter with the subject matter covered by my complaint dated 16.04.2018, it is put up to the Ld Information Commissioner then please inform so, along with reasons/purpose for which it is submitted to the Ld Information Commissioner, what steps are followed thereafter before it is submitted to the Hon'ble Chief Information Commissioner, and the time on an average that is taken in each of such steps.....
- D) It may also be seen that in the order of the FAA with regard to point 2 of my RTI application, considering that it relates to Admin. Section, it is also directed that assistance should be sought from CPIO, Admin., U/S 5(4) of the RTI Act. I therefore request to kindly allow me inspection of the file noting in this regard.
- E) In para 3(i) and 4 of the reply under reference, it is stated that it was definitely brought to the notice of the Hon'ble Information Commissioner giving brief details of the fact but no further direction/instruction was received in this regard. As submitted above, since the noting are essential part of the procedure followed in the Govt. for the reasons as aforesaid, I would request you please allow me the inspection of the file noting by which the brief details of the fact as stated above were brought to the notice of the Hon'ble Information Commissioner.
- F) provide concrete information with regard to the details of the fact that was put up to the Ld Information Commissioner."

4. Shri H.P. Sen, DO to IC(DP) and CPIO vide letter dated 18.01.2019 furnished following information:-

"With reference to your above RTI application, it is intimated that you have not sought any specific information under Section 2(f) of RTI Act, 2005. However, you may inspect the relevant file on any working day, preferably after 3 pm."

Decision with reasons:-

5. The submissions made in the appeal have been perused thoroughly. On Point 2 A), B) & C), appellant sought reasons/purpose. Although the FAA is not in the agreement with the CPIO's reply that no specific information u/s 2(f) of RTI Act, 2005, however, in this regard, DoPT OM No.1/7/2009-IR dated 01.06.2009 may be referred to vide which they had conveyed the relevant part of the decision dated 03.04.2008 of the High Court of Bombay in WP No.419 of 2017 in the case of Dr. Celsa Pinto Vs. Goa State Information Commission, which is as under:-

"The definition of information cannot include within its fold answers to the question "why" which would be same thing as asking the reason for a justification

for a particular thing. The public information authorities cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition About information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information."

In this regard, **Shri H.P. Sen, CPIO** is advised to go through the RTI application properly before giving reply.

6. On Points D) & E), appellant sought inspection, which has already been offered by the CPIO in the RTI reply. Appellant is advised to avail the opportunity of inspection as offered by the CPIO.

7. The appeal is, therefore, disposed of.

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.

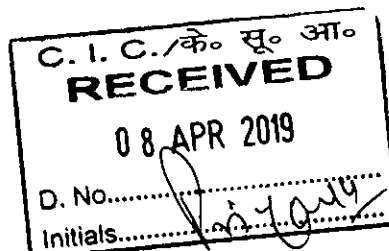
Dated the 08th April, 2019.

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

Copy to:-

1. Shri TBJs Rajappa, CPIO, RTI Cell, CIC, New Delhi.
2. Shri H.P. Sen, CPIO & DO to IC(DP), CIC, New Delhi.

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8/4/19



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