



**CENTRAL INFORMATION COMMISSION**  
**Baba Gang Nath Marg, Munirka,**  
**New Delhi – 110 067**

**Sh. Asis Narayna Biswas**

**....Appellant**

**VERSUS**

**Central Information Commission**

**.....Respondent**

**Case No.**

1. **CIC/AA/A/2019/197**
2. **CICOM/A/2019/00157**
3. **CICOM/R/2019/00521**

**Brief facts:**

1. Sh. Asis Narayan Biswas, the Appellant has sought the following information vide his RTI application dated 27/06/2019:

- I. Provide the Case No. of the matter(s) which has disposed of during 01.01.2019 to 26.06.2019 and come(s) under Ministry of Labour and Employment, Govt. of India with name of the concerned Information Commissioner.

2. Sh. A.K. Assija, Dy. Registrar to IC (VN) & CPIO, sent a reply dated 25/07/2019 to the Appellant against his RTI application, mentioning therein that no record is maintained in regard to matter disposed of during 01.01.2019 to 26.06.2019 under Ministry of Labour and Employment.

3. Being dissatisfied with the reply of the CPIO dated 25/07/2019, the Appellant filed a First Appeal dated 06/08/2019 before the undersigned on the following grounds :

- i. That, seeking documents/information from the public authority is the fundamental right of every Indian citizen and can't be infringed upon by any public authority under his/her whims and fancies.
- ii. That, extending reasonable assistances to the information seeker(s) is a mandatory duty of ever CPIO but irony of fate, in the present case CPIO has consciously shrugged off his responsibility which is a gross violation of sub-section 3 of Section 5 of the RTI Act, 2005.
- iii. That, denial legitimate access to information seekers tantamount to the asphyxiation of natural justice.
- iv. That, CPIO must be impartial and have to be kept in mind the Preamble of this Act while dealing with a RTI matter.
- v. That, CPIO has consciously eschewed the desired information which categorically exposed his arrier-pensee.



vi. That, this matter does not come under the purview of exemption category of RTI Act, 2005.

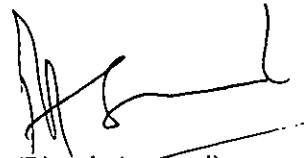
4. Also, the Appellant sought a relief that the desired information mentioned in the RTI application may kindly be provided to him.

**Decision:**

1. I am of the considered view that the CPIO has rightly replied to the RTI application dated 27/06/2019 filed by the Appellant Sh. Asis Narayan Biswas and the CPIO is under no obligation under the RTI Act, 2005 to generate or create such information which are not available with him and he is to provide only such information which are available with him.

2. The Information Commissioners are hearing large number of cases from various Public Authorities and as such it cannot be possible to maintain a Public Authority-wise record of disposal of cases and at the most a list of total number of cases disposed of by a particular Information Commissioner during a particular period can be provided. Hence, the Appeal of the Appellant is devoid of merits and is dismissed accordingly.

Sh. Asis Narayan Biswas is further informed if he is not satisfied with the order of the undersigned, he is free to file a Second Appeal under Section 19 (1) of the RTI Act, 2005 before the Hon'ble Information Commissioner Sh. Divya Prakash Sinha at the above mentioned address within a period of 90 days from the date of receipt of this order.



(Piyush Agarwal)

Registrar & First Appellate Authority

05/09/2019

To:

Sh. Asis Narayan Biswas  
C-23, Bikramaditya Sarani  
Sector-2B, Bidhannagar  
P.O. Durgapur-713212  
Distt. Paschim Bardhaman  
West Bengal



OLC

Copy to:

1. Sh. A.K. Assija  
Dy. Registrar to IC (VN) & CPIO  
Central Information Commission

6/9/19

2. Sh. T.B.J.S. Rajappa  
Nodal CPIO (RTI Cell)  
Central Information Commission

06/09/19

