



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

**Sh. I. K. Saini**

**....Appellant**

**VERSUS**

**Central Information Commission**

**.....Respondent**

**Date of hearing: 23/09/2019**

**Time : 11:00 a.m.**

**Case No:**

1. **CIC/AA/A/2019/213**
2. **CICOM/A/2019/00168**
3. **CICOM/R/2019/00536**

**Present:**

1. **None- For the Appellant**
2. **Sh. S.S. Rohilla, DR to CIC (SB) & concerned CPIO - For the Respondent**
3. **Sh. T.B.J.S. Rajappa, Nodal CPIO (RTI Cell) - For the Respondent**

**Brief facts:**

1. Sh. I. K. Saini, Appellant vide his RTI application dated 21/02/2019 sought inspection of documents in respect of Case file No. CIC/AD/C/2009/000042.
2. Sh. T.B.J.S. Rajappa, Nodal CPIO RTI Cell vide his reply dated 26/02/2019 responded to the RTI application that the case number mentioned in the RTI application appears to be not proper as MIS system of CIC is no record. The CPIO also mentioned that further action can only be taken one proper number is made available.
3. In response to the reply of the Nodal CPIO, the Applicant sent a letter dated 21/06/2019 in which he clarified the case no. and requested to allow inspection of the said file.



4. Sh. R.K. Singh, the then Additional Secretary and First Appellate Authority of the Commission disposed of the RTI application and the First Appeal and further directed the concerned CPIO Sh. S.S. Rohilla to afford inspection of the documents as desired by the Applicant in his RTI Application.
5. Sh. S.S. Rohilla, concerned CPIO vide his letter dated 16/07/2019 informed the Appellant that he may call the concerned Registry on any working day from 22/07/2019 to 26/07/2019 between 04:00 p.m. to 05:00 p.m. for inspection of documents in respect of case file no. CIC/AD/C/2009/000042.
6. Sh. I.K. Saini, Appellant inspected the said file and also collected the copies of the documents available in the same.
7. Being dissatisfied with the reply of the CPIO, the Appellant Sh. I.K. Saini, despite of the order of the then Addl. Secy and FAA filed another First Appeal dated 14/08/2019 along with his submissions therein and requested for personal hearing.

**Decision:**

1. Sh. I.K. Saini, Appellant was afforded an opportunity of personal hearing and a notice of hearing was also sent to the Appellant in this regard. But, the Appellant did not show up until 11:30 a.m. for hearing scheduled for his case before the FAA. However, Sh. S. S. Rohilla, DR to CIC (SB) and concerned CPIO and Sh. T.B.J.S. Rajappa, Nodal CPIO (RTI Cell) were present during hearing.
2. On perusal of the case file, it has been observed that the Appellant has himself admitted this fact of disposing of his First Appeal filed on 12/09/2018 on the same subject by the then First Appellate Authority. Further, he has also mentioned that his Second Appeal, being time barred, the office of the FAA may kindly deal with and dispose of the matter even though the First Appeal order in the instant case was passed on 17/12/2018.
3. I am of the considered view that the CPIO has rightly complied with the directions received from Sh. R.K. Singh the then Addl. Secy. & FAA and inspection of the said file was offered to the Appellant well in time by Sh. S.S. Rohilla, concerned CPIO.
4. The Appellant is further informed that the CPIO, is under no legal obligation under the RTI Act, 2005 to create/generate any information which is not available with him. Further, it is beyond the control of the



CPIO to create or arrange any record as a part of file No. CIC/AD/C/2009/000042 which had already been shown to the Appellant on 16/07/2019 as per directions of the then First Appellate Authority.

3. Therefore, no further intervention of the First Appellate Authority is required in this matter. Hence, the Appeal is dismissed being devoid of merits.

(Piyush Agarwal)

Registrar & First Appellate Authority  
23/09/2019

To:

Sh. I.K. Saini  
A-70, IInd Floor, NDSE-II  
New Delhi - 110049

JK

Copy To:

1. Sh. S.S. Rohilla  
DR to CIC (SB) & concerned CPIO  
Central Information Commission
2. Sh. T.B.J.S. Rajappa  
Nodal CPIO (RTI Cell)  
Central Information Commission



MS  
22/9/19

