

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

CIC/AA/A/2019/308
CICOM/A/2019/00205
CICOM/R/2019/00788

Name of the Appellant : SHRI OMPRAKASH KASHIRAM
AMOL APARTMENT
3/16, WALDHUNI
KALYAN-421 301

1.	Date of RTI application	22.10.2019
2.	Date of reply of the RTI application	01.11.2019, 07.11.2019 & 08.11.2019, 14.11.2019
3.	CPIO(s) who furnished reply	Sh. T.B.J.S. Rajappa, Sh. Krishan Avtar Talwar, Sh. C. Vinod Babu
4.	1 st Appeal Date	18.11.2019
5.	Diary No. & date of 1 st Appeal	19611/27.11.2019
6.	Diary date of 1 st Appeal in the office of FAA	30.11.2019
7.	Date of Decision	03.01.2020

Brief facts of the case:-

1. Shri Omprakash Kashiram, Appellant vide his RTI application sought documents on 11 points related to Sh. Krishan Avtar Talwar, duly attested by the rank of Commissioner of Central Information Commission.

Reply of CPIO:-

2. Sh. Krishan Avtar Talwar, CPIO replied for point No. 1, 2, 3, 4, 6 and 7 on 07.11.2019 and for point No. 9 on 08.11.2019, Sh. C. Vinod Babu, CPIO replied for point No. 5 on 14.11.2019, Sh. T.B.J.S. Rajappa, CPIO forwarded the RTI application to DoPT under Section 6 (3) of the RTI Act, 2005 for reply of point No. 10 & 11. Point No. 8 does not exist in the RTI application.

Hearing of the Appeal

3. The Hearing Notice was issued for the matter on 18.12.2019 and the matter is heard on scheduled date and time, i.e. on 30.12.2019 by First Appellate Authority. During the hearing CPIOs Sh. Krishan Avtar Talwar, Sh. C. Vinod Babu and Sh. T. B. J. S. Rajappa were physically present while, Appellant Sh. Omprakash Kashiram was absent.

P.T.O.

4. Sh. Krishan Avtar Talwar has mentioned in his written statement as follow:-

Para 4:

"According to the appellant the RTI application is ought to be responded either by the CCIC himself or by any of the CICs. He terms the replies provided by the CPIOs (including me) and that of FAAs as bogus, invalid and unlawful; and thus do not consider them worth enclosing with his second appeals. Due to this very reason, undersigned while acting as DR to CR-I had to return his separate 27 second appeals in this calendar year itself."

Para 5:

"While acting as DR to CR-I, it has also been observed that the appellant is habitual in filing second appeals. During this financial year itself 75 number of his second appeal filed by him has been registered by the undersigned".

Para 8:

"In view of the above facts and circumstances, seeking information which apparently do not serve any larger public interest, compelling the CPIO to divert his time and energy from other important task of the registry to respond his RTI application and subjecting him to mental agony while terming his replies as bogus, invalid and other sort of allegations for none of his fault; as he has been appointed as CPIO not by his own choice but by the order of the Commission."

Para 9:

"Due to the above, the undersigned is unable to discharge his duties assigned to him in the capacity of DR to CR-I and additionally that DR to CR-II as valuable time is wasted in undertaking above fruitless exercise of returning second appeals and also responding to RTIs on the very same issue. **As such, permission may kindly be accorded for registering FIR against the appellant under section 186 of the Indian Penal Code (45 of 1860) for obstruction the public servant in discharging of his public functions."**

5. As appellant was not present during the hearing, so the decision is being issued on the basis of documents available in record.

Decision with reasons:-

6. On perusal of the Appeal, RTI application, CPIO's reply and submission of appellant and CPIOs during hearing, it is observed that point wise replies provided by Sh. T.B.J.S. Rajappa, Sh. Krishan Avtar Talwar and Sh. C. Vinod Babu are factual and appropriate and no further intervention is required on the part of the FAA, in the matter.

It is observed that 75 second appeals are registered and 27 are returned. Hence, there is obstruction in discharging of public functions by CPIO.

7. The appeal is being disposed of accordingly.

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 3rd January, 2020



(Y. K. Singhal)

First Appellate Authority

Tel: 26162290

Copy to:-

✓ 1. CPIO, RTI Cell, CIC, New Delhi.

Am 09/01/20 2. Sh. C. Vinod Babu, CPIO (Admin), CIC, New Delhi. — 03/01/2020

3. Sh. Krishan Avtar Talwar, CPIO & DR (CR-1), CIC, New Delhi.



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