



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

Sh. Varun Krishna

....Appellant

VERSUS

Central Information Commission

.....Respondent

Date of hearing: 20/09/2019

Time : 12:10 p.m.

Case No:

1. **CIC/AA/A/2019/176**
2. **CICOM/A/2019/60135**
3. **CICOM/R/2019/50606**

Present:

1. **None - For the Appellant**
2. **Sh. H.P. Sen, DR to IC (DP) & concerned CPIO - For the Respondent**
3. **Sh. T.B.J.S. Rajappa, Nodal CPIO (RTI Cell) - For the Respondent**

Brief facts:

1. Sh. Varun Krishna, the Appellant sought the following information vide his RTI application dated 23/07/2019:
 - i. Complete information including file noting and signature of officials which provide information u/s 2(f) based upon which the hearing of case F.No. CIC/OFBKO/C/2018/612077 dated 15/03/2018 is delayed/discriminated with other file numbers registered after 15/03/2018
 - ii. Provide the list of file numbers which were registered after 15/03/2018 but are heard prior to case F.No. CIC/OFBKO/C/2018/612077 as on current date.
 - iii. Name and designation of the official accountable for discriminating applicant by delaying the hearing of case F. No. CIC/OFBKO/C/2018/612077.
 - iv. Name and designation of the deemed PIO u/s 5(4) + 5(5).



2. Sh. H.P. Sen, DR to IC (DP) and the concerned CPIO, vide his letter dated 30/07/2019, replied to the RTI application of the Appellant, mentioning as follows:

- i. That the information sought on point nos. 1-4 of the RTI application is not available in the file.

3. Being dissatisfied with the reply of the CPIO, the Appellant filed a First Appeal dated 20/08/2019 before the First Appellate Authority, mentioning the grounds of Appeal as 'details not provided, refused access to information requested and made the following points:

- i. PIO is obstructing information from Sl. No. 1 to 4 deliberately knowingly and with the mala-fide intention in order to harass the RTI applicants.

The Appellant has also sought the following relief:

- Proper strictures must be passed in order to implement RTI properly.
- In the light of the above, the RTI application should be accepted and information should be provided as per the provisions of RTI Act immediately by registered/speed post free of cost u/s 7(6).
- Personal hearing in the interest of natural justice must be provided and copy of PIO's comments be provided in advance of hearing date.

Record of proceedings:

1. Sh. Varun Krishna, Appellant did not appear in the hearing despite of the fact that the Notice of Hearing was sent to him in response to his request of granting him hearing in the matter. However, Sh. H.P. Sen, concerned CPIO and Sh. T.B.J.S. Rajappa, Nodal CPIO (RTI Cell) attended the hearing of the Appeal today and Sh. H.P. Sen, concerned CPIO has reiterated to his earlier stand taken by him in his reply dated 30/07/2019.

2. On perusal of the RTI application, reply of the CPIO and the First Appeal filed by the Appellant, I am, as First Appellate Authority is of the considered view that the reply sent by the CPIO is in order and if no information as sought by the Appellant is available in the concerned file, the CPIO is under no obligation as per the provisions of the RTI Act, 2005 to create the information as desired by the Appellant.

3. Hence, the Appeal is disposed of accordingly.

Sh. Varun Krishna 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
20/09/2019

To:

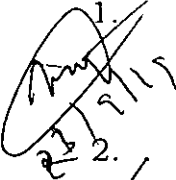
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dlc

Copy To:



1. Sh. H.P. Sen
DR to IC (DP) & concerned CPIO
Central Information Commission
2. Sh. T.B.J.S. Rajappa
Nodal CPIO (RTI Cell)
Central Information Commission


23/9/19


23/09/19

