



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 : 12:15 p.m.

Case No:

1. **CIC/AA/A/2019/177**
2. **CICOM/A/2019/60136**
3. **CICOM/R/2019/50576**

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, with reference to CIC's decision CIC/OFBKO/C/2018/611573/SD dated 25/06/2019, sought the following information vide his RTI application dated 09/07/2019:

- i. Name and designation of the official who will be the decision making authority for future cases of complainant along with parameters/check list that will determine the fate of personal hearing of the complainant.
- ii. Provide the details of the Section of the RTI Act under which such decision has been pronounced by Hon'ble IC (DP). If no information exists, then clearly state the same.
- iii. 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. 1-3 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 21/08/2019 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 did not provide the certified copy of his reply by speed post as demanded in the RTI application.

ii. PIO is providing evasive reply for Sl. No. 4 of the RTI application deliberately knowingly and with the mala-fide intentions.

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.

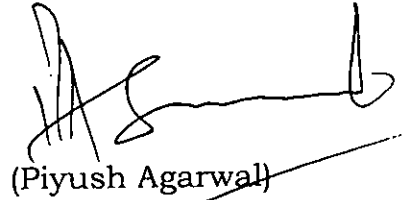
2. On perusal of the RTI application, reply of the CPIO and the First Appeal filed by the Appellant, I am fully satisfied with the reply sent by the CPIO that the information sought by the Appellant at Sl. No. 1-3 vide his RTI application is not available in the file and if the information is not available with the CPIO, he is not under any legal obligation to create the information as desired by the Appellant. Further, as per the RTI application, the Appellant has raised some hypothetical issues such as the name and designation of the official who will be the decision making authority for future cases of complainant along with parameters/checklist that will determine the fate of personal hearing of the



complainant, which cannot be considered as information sought 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:

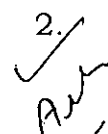
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o/c



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
23/09/19

