



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 : 12:45 p.m.

Case No:

1. **CIC/AA/A/2019/182**
2. **CICOM/A/2019/60141**
3. **CICOM/R/2019/50673**

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 period 12/12/2011 to 05/08/2019, sought the following information vide his RTI application dated 17/08/2019:
 - i. Whether Supreme Court Order in CIVIL APPEAL Nos. 10787-10788 OF 2011 (2) stating that Section 18 and 19 of the Act serving two different purpose hence one cannot be substitute for the other is applicable to the Bench of IC Shr DP Sinha or not. Kindly confirm the same as 'Yes' or 'No'.
 - ii. Grounds available in records based upon which the complaints filed u/s 18 by the complainant are converted into second appeals u/s 19 by the IC Shri DP Sinha.
 - iii. Provide the copy of manual giving powers to IC Shri DP Sinha for overriding the order of Honble Supreme Court Order in CIVIL APPEAL NOs. 10787-10788 of 2011.
 - iv. Details of disciplinary action that can be taken upon public servant for violating the order of Hon'ble Supreme Court. Provide the copy of the same.
 - v. Name and designation of deemed PIO u/s 5(4) + 5(5) for the current RTI application.
2. Sh. H.P. Sen, DR to IC (DP) and the concerned CPIO replied to the RTI application of the Appellant vide his letter dated 22/08/2019, giving point-wise reply as follows:
 - i. No such information is available in the file.



- ii. No such information is available in the file.
- iii. No such information is available in this Registry.
- iv. No such information is available in this Registry.
- v. No such information is available in this Registry.

3. Being dissatisfied with the reply of the CPIO, the Appellant filed a First Appeal dated 28/08/2019 before the First Appellate Authority, mentioning the grounds of Appeal as 'details not provided, provided incomplete, misleading or false information and made the following points:

- i. PIO is ignorant about RTI Act as he is looking for information only in his file or his registry.

The erring PIO is showing callous and negligent approach by looking for information either in file or in registry based upon his own personal whims and fancies.

- ii. PIO did not invoke Section 5(4) + 5(5) properly as revealed from his reply at Sl. No.5 and hence is not able to track the information.

- iii. PIO is obstructing information for Sl. No. 1 and Sl. No. 2 of the RTI application by stating that the information is not available in the file.

The PIO should invoke section 5(4) + 5(5) properly and appoint IC DP Sinha as a deemed PIO in order to gain access of information sought.

- iv. PIO is obstructing information for Sl. 3 and Sl. 4 of the RTI application by stating that the information is not available in Registry. PIO could have invoked Section 6(3) by transferring the RTI application to the concerned Public Authority.

The PIO should invoke Section 5(4) + 5(5) properly and appoint IC DP Sinha as a deemed PIO in order to gain access of information sought.

The Appellant has also sought the following relief:

- Personal hearing must be provided in the interest of natural justice and advanced copy of submission submitted by PIO be provided in advance of hearing date.
- Stricture to be passed against PIO for not performing his duty properly.
- Proper training should be provided to PIO in order to perform his duty properly.
- Information should be provided as per the provisions of RTI Act immediately by registered/speed post free of cost u/s 7(6).

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 22/08/2019.

2. On perusal of the RTI application, reply of the CPIO and the First Appeal filed by the Appellant, I am of the considered view that the CPIO has rightly replied to the Appellant in response to his RTI application dated 17/08/2019 that the information sought for is not



available and he has rightly not invoked the provisions of Section 5(4) and Section 5(5) of the RTI Act, 2005 as the matter does not pertain to any other Registry.

3. Similarly, Section 6(3) of the RTI Act is also not applicable in the present case.

4. Therefore, in view of the above, the matter requires no further intervention of the First Appellate Authority. Hence, the same is dismissed 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:

Sh. Varun Krishna
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Vasundhra Enclave,
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QC

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

