



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

Sh. R.R. Tripathy

....Appellant

VERSUS

Central Information Commission

.....Respondent

Date of hearing: 20/09/2019

Time : 03:10 p.m.

Case No:

1. **CIC/AA/A/2019/184**
2. **CICOM/A/2019/60143**
3. **CICOM/R/2019/50660**

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. R. R. Tripathy, the Appellant sought the following information vide his RTI application dated 13/08/2019:

- i. Total no of cases fixed for hearing before the IC- Sh. Divya Prakash Sinha in respect of Sh. Varun Krishna.
- ii. Total number of case heard on 05/08/2019.
- iii. Date on which notices for hearing of cases were issued to Sh. Varun Krishna.

2. Sh. H.P. Sen, DR to IC (DP) & the concerned CPIO, responded to the RTI application vide his letter dated 20/08/2019 and replied point-wise as follows:

- i. No case is fixed for hearing in respect of Sh. Varun Krishna.
- ii. No case of Sh. Varun Krishna was heard on 05/08/2019.
- iii. No notice of hearing was issued.



3. Being dissatisfied with the reply of the CPIO, the Appellant filed First Appeal dated 28/08/2019 before the First Appellate Authority, mentioning therein the grounds of Appeal as details not provided, provided incomplete, misleading or false information. He further submitted that the PIO is providing misleading and false information for Sl. No. 2 of his RTI application. The Appellant also referred decision 05/08/2019 uploaded on 13/08/2019 for the appellant/complainant Shri Varun Krishna uploaded on CIC's website and also attached the same along with his First Appeal which he claims to prove that the hearing was done in the case of Shri Varun Krishna on 05/08/2019.

Record of proceedings:

1. Sh. R.R. Tripathy did not appear for the hearing. However, Sh. H.P. Sen, concerned CPIO and Sh. T.B.J.S. Rajappa, Nodal CPIO (RTI Cell) were present during the hearing of the case.

2. On perusal of the RTI application, reply of the CPIO and the First Appeal filed by the Appellant it has been observed that the CPIO has provided the complete information as desired by the Appellant in his RTI application.

3. In the First Appeal filed by the Appellant, he has mentioned the grounds of Appeal as provided incomplete, misleading or false information and also attached his submission dated 28/08/2019 referring therein a decision of the Commission dated 05/08/2019 which was uploaded on 13/08/2019 on the CIC's website and sought for personal hearing to expose the double standards of the PIO. The Appellant was afforded an opportunity to attend the hearing on 20/09/2019 but neither he attended the hearing nor responded to the notice of hearing sent to him for attending the hearing. As per records available in the file and the copy of the decision dated 05/08/2019 as mentioned by the Appellant, the CPIO has nothing to do with the same as the CPIO has clearly mentioned in his reply to the RTI application that neither any case was fixed for hearing in respect of Shri Varun Krishna nor any case of Shri Varun Krishna was heard on 05/08/2019. The CPIO further mentioned that no notice of hearing was issued in the matter.

4. The CPIO has rightly provided the information available with him and he is under no legal obligation to generate any information or the information which is not available with him as desired by the Appellant. Hence, the Appeal is dismissed being devoid of merits.

Sh. R.R. Tripathy 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.



[Handwritten Signature]

(Piyush Agarwal)
Registrar & First Appellate Authority
20/09/2019

OK

To:

Sh. R. R. Tripathy
Office No. 18, Sreeji Arcade,
Thane (W), Mumbai
Maharashtra - 400602
M. No. 7738263003

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

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