



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 : 12:50 p.m.

Case No:

1. **CIC/AA/A/2019/187**
2. **CICOM/A/2019/60146**
3. **CICOM/R/2019/50636**

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 email dated 25/05/2019, sought the following information vide his RTI application dated 31/07/2019:

i. Certified copies of all the documents which were prepared, executed, issued and received along with the file noting and signatures of the officials pertaining to the mentioned email.

ii. Documentary proof providing that the erring PIO has responded upon the letter forwarded by Shri H.P. Sen for non-compliance.

iii. If no such information exists for Sl. No. 2 then provide action taken report by the Bench

iv. ATR by Hon'ble CIC Shri Sudhir Bhargava.

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 07/08/2019, mentioning as follows:



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 07/08/2019, mentioning as follows:

- i. No document including file noting/signature relating to email dated 25.05.2019 is available in the file.
- ii. (2)&(3) PIO's response to non-compliance application of the Appellant is available in the file and a copy of the same is enclosed. No further action was taken in the matter.

3. Being dissatisfied with the reply of the CPIO, the Appellant filed a First Appeal dated 29/09/2019 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 deliberately harassing the Applicant because the Applicant has filed Writ Petition before Hon'ble Delhi High Court against illegal order of IC Shri DP Sinha.
- ii. PIO is obstructing information for Sl. No. 1.

The documents issued to PIO-ODF Nalanda wrt email dated 25/05/2019 is obstructed by the PIO. PIO did not provide the documentary proof which provides the status of the non-compliance complaint.

- iii. PIO is obstructing information for Sl. No.2.

PIO did not provide documentary proof providing that the PIO-ODF Nalanda has complied with the decision based upon which email dated 25.05.2019 was sent.

- iv. PIO is obstructing information for Sl. No. 3.

Further, since the PIO-ODF Nalanda is fooling IC Shri DP Sinha hence the action must have been taken by the IC; the information is obstructed by PIO.

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.

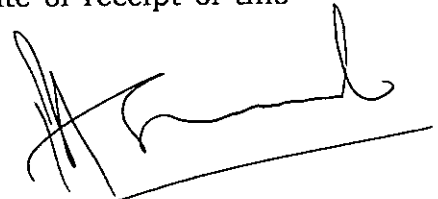


Sen, concerned CPIO has reiterated to his earlier stand taken by him in his reply dated 07/08/2019.

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 vide his letter dated 07/08/2019 has replied to the RTI application of the Appellant dated 31/07/2019 mentioning therein that no document including file noting/signatures relating to the e-mail dated 25/05/2019 mentioned by the Appellant in his RTI application is available in the file. As far as point 2-3 of the RTI application is concerned, the CPIO has sent the copy of the response on his non-compliance application clearly mentioning therein that no further action was taken on the matter.

3. I am in full agreement with the reply sent by the CPIO and the grounds raised by the Appellant in his Appeal cannot be considered as sufficient grounds for filing the First Appeal as the same has no merits at all. 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:

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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

Am
23/09/19

