

Central Information Commission
Baba Gang Nath Marg.
Munirka, New Delhi – 110 067

CIC/AA/A/2020/7
CICOM/A/P/20/00004
CICOM/R/2019/00824

Name of the Appellant: Sh. Mahesh Prasad Agrawal
33A/1, Attarsuiya,
Allahabad – 211 003

1.	Date of RTI application	08.11.2019
2.	Date of reply of the RTI application	12.12.2019, 12.12.2019
4.	CPIO (s) who furnished reply	Sh. Krishan Avtar Talwar (Central Registry-II) & Sh. Kishore Kumar Pukhral (Legal Cell)
3.	1 st Appeal Date	16.12.2019
5.	Date of Decision	

Brief Facts of the case:-

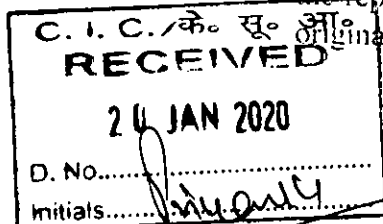
1. In his RTI application, the appellant by referring 6 second appeal orders, No. CIC/VS/A/2015/000499, CIC/MORLY/A/2016/303560, CIC/BS/A/2013/001990, CIC/BS/A/2013/002833, CIC/VS/A/2013/002349 and CIC/AD/C/2013/000421, in which show cause notices were issued to concerned PIOs/CPIOs, asked for following information:-

- Any appeal made to CIC/New Delhi regarding penalty orders against recovery and disposal of appeal by PIOs/CPIOs.
- Any information regarding any appeal in court of law against the CIC order by above named PIOs/CPIOs.
- As dead line of recovery has passed the details of recovery done so far against each individual PIOs/CPIOs may be provided.
- Action taken by information commission against the authority responsible for execution of CIC penalty order.
- Any other information regarding recovery of penalty order if any.

Reply by the CPIO (Central Registry-II):-

2. In response to the RTI application Sh. Krishan Avtar Talwar, CPIO, Central Registry-II provided point-wise response, received u/s 5(4) from Shri S. C. Sharma, DR to Hon'ble IC(NG), to the appellant, which is as under:

- Assistance was sought u/s 5(4) of RTI Act-2005 from Shri S. C. Sharma DR to Hon'ble IC(NG) & CPIO vide communication dated 05.12.2019. In this regard, the reply dated 10.12.2019, which is self-explanatory, is enclosed herewith in original for ready reference.



- b.) This point was transferred on 05.12.2019 through online RTI MIS software, as the subject matter closely relates to work under his jurisdiction, to Shri Kishore Kumar Pukharal, SO and CPIO (Legal Cell) for providing the information directly to you. Delay in transferring, owing to rush of work is highly regretted. If required, you may contact him at Room No. 331 in this Commission. His telephone No. is 011-26181928.
- c.) Penalty amount fully recovered in respect of case no. CIC/MORLY/A/2016/303560 (Sl. No. 2 in your RTI) with regard to remaining cases, since no penalty amount has been received reminders were issued to the concerned authorities for recovery of the penalty amount.
- d.) For the recovery of the penalty amount, reminders were issued to the concerned Public Authorities in respect of the cases mentioned by you in your RTI application in Sl. No. 1, 3, 4, 5 on 19.11.2019 in respect of case mentioned at Sl. No. 6.
- e.) No specific information sought.

Reply by the CPIO (Legal Cell):-

3. In response to point No. (b) of RTI application, CPIO, Legal Cell, Shri Kishore Kumar Pukharal responded to the appellant, which is as under:

“No record for the information is available as on date.”

Ground of First Appeal:-

4. The appellant has filed first appeal on following ground:

“As CPIO, Central Information Commission, New Delhi has not provided the information of my RTI application dated 08.11.2019, so first appeal before your honour is being submitted.”

Comments of CPIO on First Appeal:

5. For Disposal of First Appeal, written comments of CPIO were asked for by the FAA. In written comments of CPIO, Sh. Krishan Avtar Talwar, CPIO, Central Registry-II, mentioned that:

- a.) The appellant in above RTI application had sought information on 5 issues namely (a) to (e). Out of these, on the first issue i.e. (a) the information as received from the custodian of information, i.e. from Shri S. C. Sharma DR to Hon'ble IC(NG) & CPIO vide communication dated 10.12.2019, which was self-explanatory, was duly provided to the appellant, in original. Undersigned CPIO has noting on record to add anything to the issue.
- b.) Subject matter of the second issue was closely related to Legal Cell, as such, it was duly transferred on 05.12.2019 through online RTI MIS software to Shri Kishore Kumar Pukharal, SO and CPIO (Legal Cell) for providing the

information directly to the appellant. Delay in transferring, owing to rush of work was regretted therein.

- c.) The Information available on record on third and fourth issue i.e. on (c) and (d) has duly been provided to the appellant.
- d.) No specific information was sought on fifth issue i.e. on (e).

6. In written comments of CPIO, Sh. Sh. Kishore Kumar Pukhral (Legal Cell), mentioned regarding point No. (b) of the RTI application that,

"As per records maintained in the Legal Cell till date no notice/advance copy of writ petition, challenging the five Commission's decisions mentioned in RTI application, is received. Hence no records for the information is available for the present."

Hearing of Appeal

7. The hearing was scheduled on 20.01.2020 at 10.15 A.M. and a notice for the same was issued on 06.01.2020 to both the parties. But despite the notice, neither the appellant appeared for hearing nor has he given any telephone number. However, the CPIO, Sh. K. A. Talwar, DS, Central Registry-II was appeared before the FAA and presented his case. CPIO, Sh. Kishore Kumar Pukhral, Legal Cell was not present during hearing.

Decision with reasons:-

8. On perusal of the Appeal, RTI application and CPIO's reply, it is observed that the reply given by the both the CPIOs is factual and as per provision of the RTI Act, 2005. Therefore, further intervention is not required on the part of the FAA, in the matter.

9. The appeal is being disposed of accordingly.

10. In case the appellant is aggrieved by the decision, he is free to file second appeal, if he so desires, before the Central Information Commission, Baba Gang Nath Marg, Munirka, New Delhi - 110 067 against this order within 90 days.

Dated January 20, 2020.



(Y. K. Singhal)

First Appellate Authority

Tel: 26162290

Copy to:-

- ✓ 1. CPIO, RTI Cell, CIC, New Delhi.
- ✓ 2. Sh. Krishan Avtar Talwar, CPIO Central Registry-II, CIC, New Delhi.
- ✓ 3. Sh. Kishore Kumar Pukhral, CPIO, Legal Cell.

20/01/20

20.01.20

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