

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

CIC/AA/A/2020/20  
CICOM/A/E/20/00009  
CICOM/R/2019/50981

Name of the Appellant: Sh. Love Gogia  
MS-II/24, Atul Grove Road, Behind STC Building,  
Janpath, New Delhi – 110 001

1.	Date of RTI application	12.12.2019
2.	Date of reply of the RTI application	23.12.2019
4.	CPIO (s) who furnished reply	Sh. S. S. Rohilla
3.	1 <sup>st</sup> Appeal Date	15.01.2020
5.	Date of Decision	20.01.2020

**Brief Facts of the case:-**

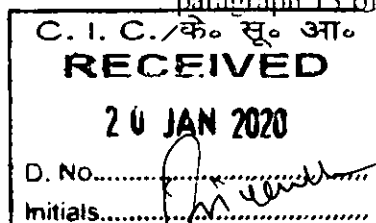
1. In the online RTI application, appellant has sought the following information:-
  - a) Copy of the Show-cause notice issued by CIC to the Public Authority (CPIO /FAA, Ministry of External Affairs, New Delhi).
  - b) Copy of written explanation submitted by respondent CPIO in response to said show-cause notice.
    - b).1 Copy of enclosures and supporting documents, if any, submitted with written explanation by respondent CPIO.
  - c) Copy of the document submitted by complainant Love Gogia on dated 04.11.2019 *vide* CIC diary No. 658349 with the subject – “**Submission in respect of my RTI requests rejected by the CPIO and FAA (Ministry of External Affairs (Gol), New Delhi) Mala fide intention.**”

**Reply of CPIO:-**

2. The online information dated 23.12.2019, provided by Sh. S. S. Rohilla, as under:

**Point No. 1 & 2.**

“You have sought certified copies of show cause notice issued to the CPIO/PIO and Certified copies of replies of CPIO-MEA. In this connection, your attention is drawn to paragraph 13 of the Hon’ble Supreme Court of India’s order dated 03.10.2012 passed



in Special Leave Petition (Civil) No. 27734 of 2012 @ cc 14781/2012) in the case of Shri Girish Ramchandra Deshpande Vs. Central Information Commission & Ors. The Hon'ble Supreme Court of India decided as under:

*"We are in agreement with the CIC and the courts below that the details called for by the petitioner i.e. copies of all memos issued to the third respondent, show cause notices and orders of censure/punishment etc. are qualified to be personal information as defined in clause (j) of Section 8(1) of the RTI Act. "*

Point No. 3

Copy of the document submitted by the Appellant/Complainant in file No. CIC/MOEF/C/2019/646092 requested by the Appellant/Complainant originated from the Appellant himself. he is not within his right to seek the same. In this connection, your attention is drawn to paragraph 6 and 7 of the Commission's order dated 05.12.2006 passed in File No. CIC/AT/A/2006/00411 in the case of G.P.S. Rana Vs. Delhi Police. The Commission decided as under:

*"6. A perusal of the original information sought by the appellant from the CPIO reveal that items 1 to 9 and items 16 to 18 pertained to copies of the appellant's own letters written to the public authority, in this case the Delhi Police. The AA concluded that since the information requested by the appellant originated from the appellant himself, he was not within his right to seek the same from the public authority.*

*7. The contention of the AA is upheld. The purpose of the RTI Act is to allow access to a citizen to information held by a public authority. The key element is provision of information. Insofar as an information is held by a citizen himself, it must be construed that he already had access to such information and his seeking the same from a public authority is a wholly infructuous exercise. In such cases, it should suffice if the public authority intimates to the appellant whether or not his/her letters/petitions had been received by that public authority and the dates thereof. If he wants to have copies of his own letters written to the public authority, he better looks up his own records. In all such cases, the key information to be transmitted to an information-seeker, when such information pertains to the copies of letters he himself might have written to public authority, is that the public authority was or was not in possession of those letters/petitions. The public authority has no obligation beyond supplying the above-mentioned information to the information-seeker."*

#### **Ground of First Appeal:-**

3. Aggrieved with reply of CPIO, Sh. S. S. Rohilla, appellant filed the First Appeal stated that:

- a). At the outset, it is submitted that the instant appeal is regarding only point No. 1, 2 & 2.1 of the instant RTI request. It is neither regarding CPIO's reply to point No. 3 of the RTI request nor an attempt to contest decision of Ld. CIC in case No. CIC/MOEF/C/2019/646092.
- b). For point No. 1, 2 & 2.1 of the RTI Application: CPIO denied the information under Section 8(1)(j) of RTI Act by quoting paragraph 13 of a judgment dated

03.10.2012 of Hon'ble Supreme Court passed in Special Leave Petition (C)ivil) No. 27734 of 2012 @ cc 14781/2012) in the case of Shri Girish Ramchandra Deshpande Vs. Central Information Commission & Ors. The Hon'ble Supreme Court of India decided as under:

*"We are in agreement with the CIC and the courts below that the details called for by the petitioner i.e. copies of all memos issued to the third respondent, show cause notices and orders of censure/punishment etc. are qualified to be personal information as defined in clause (j) of Section 8(1) of the RTI Act. "*

- c). It is respectfully submitted that the above mentioned generic reasoning given by the CPIO doesn't fit into the merits of the present RTI request. Hence the denial of information is not correct.

#### **Comments of CPIO on First Appeal:**

4. For Disposal of First Appeal written comments of CPIO were asked by the FAA. The CPIO, Sh. S. S. Rohilla, in his comments has submitted,

"The appellant Mr. Love Gogia, vide RTI application dated 12.12.2019 sought (A) copy of show cause notice, copy of written explanation submitted by the respondent authority with copy of enclosure and supportive documents. (B) Copy of documents submitted by the complainant himself on the date of hearing i.e. 04.11.2019 and again on 29.11.2019.

Above documents were sought in respect of a complaint vide CIC/MOEAF/C/2019/646092.

Our reply dated 23.12.2019

The information was not provided in terms of

1. Hon'ble supreme court's order dated 03.10.2012 passed in SLP (Civil) No. 27734 of 2012 @ cc 14781/2012) in the case of Shri Girish Ramchandra Deshpande Vs. Central Information Commission & Ors.
2. Commission's order dated 05.12.2006+ passed in File No. CIC/AT/A/2006/00411 in the case of G.P.S. Rana Vs. Delhi Police.

A copy of our reply is enclosed herewith."

#### **Hearing of Appeal:-**

5. The first appeal was heard on 17.01.2020 over mobile No. 9654579200 of the appellant.

#### **Decision with reasons:-**

6. On perusal of the Appeal, RTI application, CPIO's reply and hearing, it is observed that the reply given by the CPIO 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.
7. The appeal is being disposed of accordingly.

8. 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.



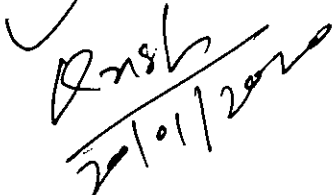
(Y. K. Singhal)

First Appellate Authority

Tel: 26162290

Copy to:-

1. CPIO, RTI Cell, CIC, New Delhi.
2. Sh. S. S. Rohilla, CPIO & DR to CIC, New Delhi.



20/01/2020

