

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

CIC/AA/A/2020/31  
CICOM/A/P/20/00015  
CICOM/R/2019/00885/1

Name of the Appellant: Sh. Omprakash Kashiram  
3/16, Amol Apartment, Waldhuni,  
Kalyan. Pin – 421 301

1.	Date of RTI application	03.12.2019
2.	Date of reply of the RTI application	01.01.2020
4.	CPIO (s) who furnished reply	Sh. T. B. J. S. Rajappa (CPIO, RTI Cell)
3.	1 <sup>st</sup> Appeal Date	11.01.2020
5.	Date of Decision	22.01.2020

**Brief Facts of the case:-**

1. In his RTI application, the appellant has asked for copies of documents / information against 8 points pertaining to name of countries those have high technologies for giving diseases to public of India, reasons for not taking action against those countries by Central Information Commissioners and other related information including the information against point No.5, regarding the name of Deputy Registrar, who has not indicated his name in letter No.-155907/2019 dated 12.11.2019 under Rule/Act of Parliament/Judgments of Court.

**Reply of CPIO:-**

2. The information against Point No. 1, 2, 3, 4, 6, 7 and 8, dated 19.12.2019, provided by Sh. T. B. J. S. Rajappa, CPIO (RTI Cell) as under:

“Para No. 5 has been transferred online to the concerned CPIO CR-1 for providing the information directly to you.

Regarding Para 1, 2, 3, 4, 6, 7 and 8, no such information is available in CIC.”

3. Information against Point No. 5, the CPIO, Central Registry -1, Sh. Krishan Avtar Talwar, informed the appellant,

“It is not understood which specific Rule/Act of Parliament/Judgment of Court is being referred to. As such in the absence of any clarity on the issues, no information can be provided. However, in the interest of transparency, as it appears that the appellant is aggrieved due to not indicating the name on the Facilitation Memo (Diary No. 155907/2019) dated 22.11.2019 signed by the undersigned in the capacity of DR (CR-1) and found enclosed with the RTI application.

In above regard it is stated that similar type of query/issues was raised by the appellant on earlier occasion too (viz in his RTI application dated 18.09.2017 registered vide No.

CICOM/R/2017/01202 in point no. 3 therein) wherein it was amply clarified to the appellant that since work of Central Registry can be assigned to any officer, as such, the format of Facilitation Memo is so designed that it is issued on the basis of "designation" by the Software of the Commission. Accordingly, the who-so-ever is the Deputy Registrar appointed in CR-1, he signs it. Further the appellant may refer to website of this Commission under "contact us" on home page, where name of all officers including that of Deputy Registrar (CR-1) is readily available. The same response is reiterated here again."

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

4. Aggrieved with reply of CPIO, Sh. T. B. J. S. Rajappa, RTI Cell, the appellant filed the First Appeal stated that

- a). "during last 15 years the Chief information Commissioner has not nominated the public information officers and first appellate authority under section 5(1) of RTI Act, 2005 and this injustice with country for not nominate the PIO under section 5(1) of RTI Act, 2005 among 11 Commissioners."
- b). All orders received from PIO, Central Registry have been returned due to the RTI matter is concerned with Chief Information Commissioner. An amount of Rs. 25 crores may be given in recent fire in all over of India by issue order to all state Government and Central Government and ministry of Road and Highways where lot of people were dead to due fire by high technologies."
- c). Shri Talwar is not aware that rule 8 of RTI Rules 2012 is applicable for PIOs/FAAs of Central Government Organizations not for commissions. Shri Talwar does not know there is two departments in Central Information Commission. one is office of the Chief Information Commissioner and second is Commissioner along with 11 commissioners of Central Information Commission. New Delhi.

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

5. For Disposal of First Appeal written comments of CPIO were asked by the FAA. The CPIO, Sh. Krishan Avtar Talwar, Deputy Secretary, & CPIO, Central Registry-1, in his comments has submitted.

"Sh. Omprakash Kashiram, appellant, **as usual**, in aforementioned first appeal has under 'grounds of appeal' at (a) specifically mentioned that he has not been provided with any information by PIO, even after lapse of 45 days; whereas fact of the case is that detailed reply was provided to him by the undersigned CPIO vide his communication dated **01.01.2020**. Furthermore it was timely uploaded on the vey next day i.e. on **02.01.2020** on the RTI-MIS portal (**Annexure-2**) but physical copy of the same were also duly dispatched to him vide Speed post consignment No. ED971278582IN on **02.01.2020**. As per the tracking report it was delivered to the appellant on **04.01.2020** (**Annexure-3**). As such, it is quite clear that the appellant is not speaking the truth when he is mentioning under (a) of 'Ground for appeal' that information not provided by PIO within 45 days for the period upto date of sub mission of RTI Application.

Factual position in this regard, as he himself mentioned against point (b) 'Ground for appeal' of his aforementioned first appeal is that the appellant does not consider undersigned as a CPIO. It is despite of the fact that I had time and again specifically mentioned against the '**Opening Para**' in my various RTI replies (including the one registered vide no. **CICOM/R/2019/00789, CICOM/R/2019/00788 and CICOM/R/2019/00831 and responded vide reply dated 07.11.2019, 07.11.2011 and 05.12.2019 respectively**) that undersigned has been duly appointed as the CPIO by this Commission and office order in this regard issued from time to time are readily available under "Appellate Authority & CPIO's of the Commission" under "RTI in CIC" on home page of website of this Commission ([www.cic.gov.in](http://www.cic.gov.in)).

However, according to the appellant, the RTI application is ought to be responded either by the CCIC himself or by any of the CICs. Like-wise when he files RTI application and first appeal before UPSC, he expects that the same is to be responded by the Chairman or members of the UPSC. He terms the replies provided by the CPIOs (including me) and that of the FAAs as **bogus, invalid, and unlawful**; and thus **do not consider them worth enclosing with his second appeals**. Due to this very reason, undersigned while acting as DR to CR-I had to return his separate **27** second appeals (**Annexure-4**) in the calendar year 2019 itself.

While acting as DR to CR-I, it has also been observed that the appellant is habitual in filing second appeals. During the calendar year 2019 itself **75** number of second appeal (**Annexure-5**) filed by him has been registered by the undersigned.

The appellant has also **lodged numerous complaints** against the undersigned CPIO alleging wrong doings on my part as I had responded to his RTI replies in place of Hon'ble CCIC/CICs before Higher authorities. One such complaint is dated **18.11.2019**. It was initially diarized vide Dy. No. **156847** on **26.11.2019**. As it was a complaint as such, it was forwarded by me to the PPS to Hon'ble CCIC and subsequently it was forwarded to JS (Admn) vide e-office Dy. No. **19709** on **29.11.2019**.

Further, in his aforementioned first appeal, the appellant is raising issues which are not at all part of his RTI application under reference. As may be seen from (d) under 'Ground for appeal' he embossing upon the undersigned CPIO his own version of RTI Act-2005 by mentioning therein that Rule 8 of RTI Rules 2012 is not applicable to PIOs/CPIOs of this Commission.

In view of the above facts and circumstances, seeking information which apparently do not serve any larger public interest, compelling the CPIO to divert his time and energy from other important tasks of the registry to respond to his RTI application and subjecting him to mental agony while terming his replies as bogus, invalid and making other sort of allegations for none of his fault; as he has been appointed as CPIO not by his own choice but by the order issued by Admn Section with the approval of Hon'ble Chief Information Commissioner; and demanding imposition of penalty upon the undersigned CPIO despite of the fact that timely reply, that too within **16** days of receipt of the RTI application was provided; are some of the most unwarranted acts.

Due to the above, the undersigned is unable to discharge his duties assigned to him in the capacity of DR to CR-I and additionally that of DR to CR-II as valuable time is wasted in undertaking above fruitless exercise. **time and again**, of returning second appeals and also responding to RTIs on the very same issue. **As such, permission may kindly be accorded for registering FIR against the appellant under section 186 of the Indian Penal Code (45 of 1860) for obstructing the public servant in discharge of his public functions.**

Accordingly, your kind intervention is humbly prayed for so that undersigned CPIO may be able to discharge his duties in a peaceful and cordial environment and thus can escape from the wrath of such an irresponsible RTI applicant who for the reasons best known to him is so skeptical and is not ready to accept any of the explanations and ground reality explained to him that too in **black and white, time and again. However, any directions so accorded shall be duly complied with.**"

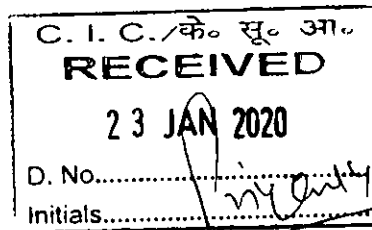
**Decision with reasons:-**

6. On perusal of the Appeal, RTI application and CPIO's reply, it is observed that the appellant, through his RTI application, has not asked for any specific information against Point No. 1, 2, 3, 4, 6, 7 and 8, which is held by CIC and under its control. Likewise, in his first appeal, the appellant has not complained against the reply given by the CPIO, RTI Cell, CIC. As far as the query concerned to Point No. 5 of the RTI application of the appellant, it is observed that the same query was raised by the appellant in his RTI application dated 18.09.2017 registered vide No. CICOM/R/2017/01202 in point no. 3 therein and a suitable reply was provided by the CPIO, Central Registry, CIC. In light of above, 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 22, 2020.**



(Y. K. Singhal)

**First Appellate Authority**

**Tel: 26162290**

**Copy to:-**

1. Sh. T. B. J. S. Rajappa, RTI Cell, CIC, New Delhi.

Sh. Krishan Avtar Talwar, Deputy Secretary & CPIO, Central Registry-1, CIC, New Delhi.

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