

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

CIC/AA/A/2020/41  
CICOM/A/E/20/00021  
CICOM/R/E/2020/00035

Name of the Appellant: Sh. Manoj K Kamra  
7B37, Near Ayyappa Temple, JNV Nagar,  
Bikaner. Pin – 334 003

1.	Date of RTI application	17.01.2020
2.	Date of reply of the RTI application	22.01.2020
4.	CPIO (s) who furnished reply	Sh. Krishan Avtar Talwar, CPIO (Central Registry-1).
3.	1 <sup>st</sup> Appeal Date	01.02.2020
5.	Date of Decision	05.02.2020

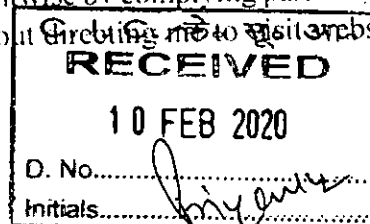
**Brief Facts of the case:-**

1. In his RTI application, the appellant, by complaining that his three online complaints against Diary No. 601470, 6011471 and 601472 all dated 15.01.2020 have been returned back by CIC with ultra vires observations, has asked for following information:

- Pdf copy of files submitted with these three complaints in pdf – your observation 2. three complaints in pdf – your observation 3(ii), as precondition to get diary no. 601470, 6011471, 601472.
- Pdf copy of rulings for filing complaint on rtionline portal necessitating reply of CPIO for filing complaint due to no reply in 30 days from the public authority under section 18(1)(c) of RTI Act – your observation-3(i).
- Pdf copy of meaning of CHECK/UNCHECK box at the bottom left of online complaint form.
- Tenure of the concerned official returning these three complaints in CIC and details of RTI training received by him/her.
- No. of online complaints received in the last three year by CIC-year wise
- No. of online complaints accepted year wise in the last three year by CIC-yearwise.
- Kindly provide information pointwise by complying para-12, 13 of DoPT Guide for CPIO (2008)-attached without giving specific url.

**Reply of CPIO:-**

2. In response to the RTI application Sh. Krishan Avtar Talwar, CPIO (Central Registry-1), informed the appellant the reason of returning his three complaints, that copies of RTI



applications were not attached with the complaints, which are mandatory documents for getting a complaint registered with the Commission. Apart from this he further provided following point-wise information to the appellant:

- a). Though the issue is not clear, on the basis of whatever understood, it is started that with each complaint the appellant has enclosed two pages. The observation of undersigned issued on it in the form of Facilitation Memo is of one page each. Thus in total there are 9 pages. Copies of these may be obtained by remitting requisite fee of Rs. 18/- (@ Rs.2/- per page) under the provisions of RTI Act – 2005 & Rules framed thereunder through IPO/Demand Draft in favour of “PAO, CAT, New Delhi”, payable at New Delhi, or by tendering the fee in cash at the counter of this Commission.
- b). Though the issue is not clear, on the basis of whatever understood, it is stated that the procedure/process for filing complaint online is self-explanatory and provided on the online application form itself. The information provided at point No. 3 on the Facilitation Memo is also self-explanatory. The copy of CPIO reply is to be provided, if available, meaning there by that if the CPIO reply is not received, suitable option has to be selected on the online form and then there would be no requirement to attach, the copy of CPIO reply. However, there is no such rulings for filing complaint on rtionline portal. Appellant may visit to ‘FAQ’ available on the home page of web-site of this Commission ([www.cic.gov.in](http://www.cic.gov.in)).
- c). No such information is available on record.
- d). Undersigned has been working in CIC since 01.10.2015. Formal training of one week was received in 2019.
- e) & f). The information is readily available on the website of this Commission under ‘MIS Reports’
- g). No such information ever maintained. The preparation of it, at this stage, would definitely divert resources of the public authority.

**Ground of First Appeal:-**

3. Aggrieved with reply furnished by the CPIO, the appellant filed First Appeal on following ground:

- a.) “Learned CPIO have not given correct reply of Q-2, 3 of my rti application asking for relevant ruling of rejection of three online complaints under section 18(1)(c) which can be proved as following.
- b). Q-2 as the subsection implies 18(1)(c) means no reply of CPIO within stipulated time period of 30 days. Despite this, all three complaints were rejected by him and now in the reply justifying rejection necessitating CPIO reply. He must regret to erroneous rejection basis of necessitating CPIO reply.
- c). Q-3 Learned CPIO refused to have any information on record whereas on the rtionline portal screen, online complaint box is self-explanatory asking for checking the box bottom left. Non verification of documents by applicant was also basis of rejection of my three complaints which is desired from CPIO.

- d). Kindly deliver pointwise speaking order with opportunity to me to submit my view in real time during telephonic hearing as per principles of natural justice as mandated in the RTI Act. DoPT Guide for FAA-OM No.1/3/2008-IR dated 25<sup>th</sup> April, 2008 esp. para-38, 41.
- e). Kindly consider three supreme court judgements for disposal necessitating detailed reasons pointwise by conducting quasi-judicial hearings attached."

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

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

"From perusal of the RTI application, it was evident that the appellant is aggrieved due to non- registration of his three complaints filed online vide Diary Nos. 601470, 601471, 601472, each dated 15.01.2020, on which detailed reasons/observations for non-registration/returning of the complaints, on each of the three cases, were duly communicated to him vide Facilitation Memo (Diary No. 601470), dated 15.01.2020, Facilitation Memo (Diary No. 601471/2020) dated 15.01.2020 and Facilitation Memo (Diary No. 601472/2020) dated 15.01.2020 vide Speed post dated 20.01.2020. Accordingly, going an extra mile, to facilitate him to resubmit his cases after removal of the deficiencies, in the Opening Para information in detail was provided to him, while providing point-wise reply to his RTI queries/issues.

However, instead of appreciating the above, he in the first appeal also is found to be prejudiced and levelling undue allegation. Information available on record has already been disseminated and there is nothing more to be added therein. Undersigned in the capacity of DR to CR-1 bonafidely discharging his duties returned the three cases unregistered as the mandatory requirement for registration of the complaints was not fulfilled in each of the three cases. Though there are no separate set of guidelines of registration of complaint, guidelines for registration of Second appeals are enumerated in Rule 8 of RTI Rules, 2012. On same analogy, RTI application was demanded. Further, it might be the case that at the time when he initially filed the complaint case, he have not received CPIO reply but, it could be the case that when he received the facilitation memo, during the intervening period he might have received reply from the CPIO. Accordingly, in the Facilitation Memo, he was asked to "Provide copy of the CPIO reply, if available."

Furthermore, due to non-integration of rti portal, being maintained by DoPT wherein RTI application is filed and portal of this Commission, where second appeal/complaint is to be filed, it is not possible to fetch details of RTI application by entering the RTI registration no. As such merely providing RTI registration no. while filing a complaint does not suffice. It is obligatory on the part of the appellant/complainant to provide complete set of documents for registration of his case. In case of failure, the case, not only the undersigned, whosoever else deals with it, certainly will not be in a position to register it."

#### **Hearing of First Appeal:**

5. The appellant was heard on 07.02.2020 over his mobile no., provided by him in his 1<sup>st</sup> appeal petition. The appellant stated that he had already provided the RTI registration number in his online complaints, through which details of RTI application can be obtained.

**Decision with reasons:-**

6. On perusal of the Appeal, RTI application, CPIO's reply and after getting the appellant heard, it is observed that the reply given by the CPIO is factual and as per provision of the RTI Act, 2005. As far as the issue raised by the appellant during hearing, Sh. Krishan Avtar Talwar, CPIO (Central Registry-I), has clearly mentioned in his comments that, "*due to non-integration of rti portal, being maintained by DoPT wherein RTI application is filed and portal of this Commission, where second appeal/complaint is to be filed, it is not possible to fetch details of RTI application by entering the RTI registration no.*" In light of the above, 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: February 7, 2020.**

*MB 07/02/2020*  
**(Smt. Meena Balima Sharma)**

**First Appellate Authority**

**Tel: 26162290**

*Recd-10/2/20*  
*CMB*  
Copy to:-

1. CPIO, RTI Cell, CIC, New Delhi.
2. Sh. Sh. Krishan Avtar Talwar, Central Registry-I, CIC, New Delhi

*Slair*  
*10/2/20*