

Central Information Commission
Baba Gang Nath Marg,
Munirka, New Delhi - 110067.

CIC/AA/A/2020/45

CICOM/A/1/20/00024

CICOM/R/1/20/00028

Name of the Appellant:

Sh. Jasbir Singh Arora
85, G/L, Jeewan Nagar,
Bala Sahib Road,
New Delhi - 110014.

1.	Date of RTI application	11.01.2020
2.	Date of reply of the RTI application	06.02.2020
3.	CPIO(s) who furnished reply	Sh. Kishore Kumar Pukhral, CPIO, Legal Cell.
4.	1 st Appeal Date	06.02.2020
5.	Date of Decision	19.02.2020

Brief facts of the case:-

The appellant, by claiming that the CIC has appointed a Central Government Standing Council in a case (Civil) No. 172 of 2019, whose term has already expired on 31.12.2019 as a CGSC, asked for following information:

"Kindly forward the approval or order regarding extension of Gaurav Kanth (the said CGSC), as CGSC, if available with Gaurav Kanth or with CIC. Alternatively, if no such extension in engagement of Gaurav Kanth as CGSC has been granted by the competent authority, certified copies of following documents may be provided:

- (i) Approval of Minister of DoPT for representing Divya Prakash Singh in above case may be supplied under RTI Act, 2005 so that no objection is raised by information seeker in capacity of petitioner in the above case in High Court of Delhi on all dates subsequent to 31.12.2019.
- (ii) If neither the term of Gaurav Kanth has been extended as CGSC beyond 31.12.2019 nor the approval of Minister of DoPT has been obtained, the same may be confirmed."

Reply by CPIO :-

In response to the above RTI application, the CPIO, Shri Kishore Kumar Pukhral, Legal Cell, CIC provided the following information to the appellant:

0/c

C. I. C./के.सू.आ.
RECEIVED
25 FEB 2020
D. No.....
Initials..... <i>[Signature]</i>

"On perusal of RTI application, it is stated that the record of the information sought by you, is not held by this office".

Ground of First Appeal:-

3. Aggrieved with the reply provided by the CPIO, the appellant filed first appeal before the First Appellate Authority on following ground:

"CPIO without going into the intent of RTI Act, 2005, particularly Section 2(f) of RTI Act, 2005 has very casually replied that the information sought is not held by this office. Thus Section 2(f) is given below Information means any material in any form, including records, documents, memos, e-mails, advices, press releases, circulars, orders, logbook, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be assessed by a public authority under any other law for the time being in force. CPIO has not applied the provisions of Section 6(3) of RTI Act, 2005, indicating that requested information does not relate to other public authority, implying it relates to a private body i.e. CGSC is a private body and information does not relate to Ministry of Law. As per law Central Information Commission can engage a CGSC only if that CGSC has approval of being appointed as CGSC by the competent authority and as per law Central Commission can obtain such information from the concerned CGSC about his approval as CGSC and provide to information seeker, as clear from Section 2(f) of RTI Act, 2005, which is the information relating to private body which can be accessed by Central Information Commission. In addition to above the attention of CPIO may be brought to the decision of Central Information Commission decision dated 03.01.2020 in F.No. CIC/MOCAP/A/2018/637671, copy is also being attached herewith for ready reference and will give some sermon to this particular CPIO who is acting a stumbling block in supplying information on the matter of transparency, being the essence of this Act. In case CPIO gives reply to this content of appeal, he may be advised to supply the copy of such reply to the appellant so that appellant can file rejoinder to such a reply and hence in view of this FAA is requested to kindly give sufficient number of days as notice period such as at least 20 days and appellant should have at least 07 clear days to reply to CPIOs reply. It may be noted that as per High Court of Delhi order date 21.12.2018 in WP C 13890 of 2018, appellant has to be given meaning full hearing opportunity, meaning of reasonable hearing opportunity, which has already been intimated to FAA against one of my recent first:

05/01/2020

appeal and if FAA wants he can contact appellant on mobile to understand the meaning of reasonable hearing. FAA is thus requested to kindly hold hearing, a reasonable hearing and order CPIO to provide the requested information immediately."

Decision with Reason:-

4. On perusal of the Appeal, RTI application and CPIO's reply, it is observed that the appellant, through his RTI application, has asked for "copy of the order regarding extension of Gaurav Kanth (the CGSC), as CGSC beyond 31.12.2019, if available with Gaurav Kanth or with CIC and alternatively, if no such extension in engagement of Gaurav Kanth as CGSC has been granted by the competent authority, certified copies of approval of Minister of DoPT for engaging him in case No. 172 of 2019, may be supplied and if neither the extension order nor the approval of minister is available with CIC, the same may be confirmed."

The CPIO in his reply has intimated the appellant, "on perusal of RTI application, it is stated that the record of the information sought by you, is not held by this office". It is observed that the reply given by the CPIO is factual and as per provision of the RTI Act, 2005.

Since the factual position has already been intimated by the CPIO to the appellant, further intervention is not required on the part of the FAA, in the matter.

5. The appeal is being disposed of accordingly.

6. 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-110067 against this order within 90 days.

Dated the 19 February, 2020.

pp Balimane
19/02/2020
(Meena Balimane Sharma)
First Appellate Authority
Tel: 26162290

Copy to:-

- Recd*
25/2/20
OK
1. CPIO, RTI Cell, CIC, New Delhi.
 2. Shri Kishore Kumar Pukhral, Legal Cell, CIC, New Delhi.

Recd
25-02-20