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

CIC/AA/A/2020/54
CICOM/A/E/20/00030
CICOM/R/E/2020/00038

Name of the Appellant: Shri R. P. Gupta
780/6. Mehrauli. New Delhi.
Pin – 110 030

1.	Date of RTI application	19.01.2020
2.	Date of reply of the RTI application	17.02.2020
4.	CPIO (s) who furnished reply	Sh. A. K. Assija. DR to IC-VN
3.	1st Appeal Date	18.02.2020
5.	Date of Decision	20.02.2020

Brief Facts of the case:-

1. In his RTI application. the appellant, by intimating that his second appeal No. CIC/DHEDU/A/2018/634726 has been disposed of by the Commission and his Non-compliance petition regarding the same has been rejected with observation that the orders of the Commission has been complied with. asked for information:

> "Kindly provide me information as to the forward path to be followed by me in the case. as per RTI Act/RTI Rules and /or procedure. as I am not aware of the same & facing this situation for the first time."

Reply of CPIO:-

2. In response to the RTI application Sh. A. K. Assija. DR to IC-VN. CIC, vide his letter dated 17.02.2020 informed the appellant that:

> "In this connection. it is stated that the information sought by you is in the nature of seeking advice from the CPIO. Only such information can be supplied under the RTI Act that is available and existing and is held by the public authority. CPIO is not required to furnish information which requires drawing of inference and/or making assumptions; or to interpret information or to solve the problems raised by the applicants: or to furnish replies to hypothetical questions. Hence your query is not covered u/s 2(f) of the RTI Act."

Ground of First Appeal:-

3. Aggrieved with reply furnished by the CPIO. the appellant filed First Appeal on on the ground that "refused access to information requested".

Decision with reasons:-

4. On perusal of the Appeal. RTI application and CPIO's reply it is observed that the appellant. vide his RTI application. is seeking advice from the CPIO regarding further course

of action. since according to him the public authority has informed that the orders of CIC have been complied with is misleading. It is pertinent to mention, that giving such advice by a PIO is beyond his duty. Under the provisions of the RTI Act, only such information, as is available in record in material form, can be supplied by a PIO.

In light of the above observation. the information provided by the CPIO is factual and as per the provision of the Act. Hence, further intervention, on the part of FAA, is not regarding in this 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 – 110 067 against this order within 90 days.

Dated: February 20, 2020.

20/2/2020

(Smt. Meena Balimane Sharma)

First Appellate Authority

Tel: 26162290

Copy to:-

1. **CPIO, RTI Cell, CIC, New Delhi.**
2. **Sh. A. K. Assija, DR to IC-VN, CIC, New Delhi.**

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