

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

CIC/AA/A/2020/62
CICOM/A/E/20/00032
CICOM/R/E/2020/00052

Name of the Appellant: Shri M. K. Tyagi
222, Siddharth Enclave, New Delhi.
Pin – 110 014

1.	Date of RTI application	23.01.2020
2.	Date of reply of the RTI application	21.02.2020
4.	CPIO (s) who furnished reply	Sh. K. L. Das, CPIO & Dy. Registrar, IC-BJ.
3.	1 st Appeal Date	29.02.2020
5.	Date of Decision	03.03.2020

Brief Facts of the case:-

1. The appellant, through his RTI application asked for following information:
“I had vide email dated 20.09.2019 requested Mr.Sudhir Bhargav, CIC, New Delhi to hear 1) second appeal no. CIC/MA/A/2006/00159 and 2) review petition of decision no. 1338/IC(A)/2007 dated 20.0.2007 in second appeal no. CIC/MA/A/2007/00565. I have CIC certified copy of aforesaid second appeal no. CIC/MA/A/2006/00159. It is requested that certified copies of orders giving dates of hearings may kindly be provided.”

Reply of CPIO:-

2. In response to the RTI application Sh. K. L. Das, CPIO & Dy. Registrar, IC-BJ, provided following information to the appellant:

“Both the files are very old and are not available in original in the Record Room. Even digitized copies of these two complete files are not available. We are however, having note portion and order in respect of File No. CIC/MA/A/2007/00565. On perusal of the same, it is seen that you had made request for review of order dated 22.10.2007 passed in this case earlier also. As there is no provision for review for the order once passed by the Commission under the RTI Act, your request was not agreed and file was closed. No action is, therefore, required on letter for review of the decision passed in that case.

As the case File No. CIC/MA/A/2006/00159 is not available, it is not possible to furnish the desired information. It is however, mentioned that review of the order passed earlier in this case will also not be permissible under the RTI Act.”

Ground of First Appeal:-

3. Aggrieved with the reply sent by the CPIO, the appellant filed 1st appeal before the Commission stating that:

“CIC/MA/A/2007/00565:

On acceptance of my Review Petition dated 29.10.2007, 279 pages were supplied by MOP&NG to me on 17.12.2007. On remaining portion of my Review Petition on imposition of penalty and award of compensation, hearing on 30.07.2008 was fixed but the same had been postponed to 27.08.2008 by Mr. M. M. Ansari. When I requested for postponement Mr. Ansari had on 18.08.2008 agreed but the Review has not yet been completed.

:2:

Vide decision no. CIC/SM/A/2011/001997/SG/18581 Information Commissioner Mr. Shailesh Gandhi had directed recovery of Rs. 25000/- from the salary of Mr. K. L. Das. However this decision was reviewed by Mr. M. L. Sharma, Information Commissioner and recalled vide his decision no CIC/SM/A/2011/001997/SG/LS dated 25.03.2012. On the same lines decision no 1338/1C9A)/2007 dated 22.10.2007 may kindly be reviewed in line with my e-mail dated 22.03.2015 received in CIC vide diary no. 119035 dated 24.03.2015.

CIC/MA/A/2006/00159:

Vide letter no. CIC/MA/A/2006/00159 dated 30.09.2008 Mr. M. C. Sharma, the then Assistant Registrar had provided 48 CIC certified pages of this file. Based on these pages this file may kindly be reconstructed and RTI application heard in line with e-mail dated 25.09.2015 received in CIC vide diary no. 165450 dated 06.10.2015. There is no decision in this file because hearing has not yet been held."

Decision with reasons:-

4. On perusal of the Appeal, RTI application and CPIO's reply, it is observed that the information given by the CPIO is clear and factual. Therefore, no further intervention is 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 - 110 067 against this order within 90 days.

Dated: March 18, 2020.

M. Balimane
18/3/2020
- (Meena Balimane Sharma)
First Appellate Authority
Tel: 26162290

Copy to:-

1. CPIO, RTI Cell, CIC, New Delhi.
2. Sh. K. L. Das, CPIO & Dy. Registrar, IC-BJ, CIC, New Delhi.

[Handwritten signature]
9/3/2020
[Handwritten initials]

