

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

CIC/AA/A/2020/65
CICOM/A/E/20/00035
CICOM/R/E/2020/00033

Name of the Appellant: Sh. V. S. S. Krishna
66/66, Anna Nagar, First Cross,
Ponnammapet, Salem,
Pin - 636 001

1.	Date of RTI application	14.01.2020
2.	Date of reply of the RTI application	16.01.2020
4.	CPIO (s) who furnished reply	Sh. Krishan Avtar Talwar, Dy. Secretary & CPIO, Central Registray-1.
3.	1 st Appeal Date	02.03.2020
5.	Date of Decision	04.03.2020

Brief Facts of the case:-

(i). The appellant, through his RTI application asked for following information:

"I file the 2nd appeal in your Central Information Commission this is my Diary No. 650433 date: 10.09.2019 but in few days I received the letter from you "You return my 2nd appeal" then I file once again Diary No: 651548 20.09.2019 this also refused by you then again I apply the 2nd appeal Diary No.: 653706 date: 11.10.2019 this also refused by you then also I apply Diary No: 654798 date: 23.10.2019 in this also refused by you!!

Now my query is:

1. What is the reason why you refuse my 2nd appeal for the above mentioned Diary no's. Give me the accurate and exact reply also gives me the valid evidence.
2. In the above Diary no which you return to me is there is any columns are blank?? If Yes then kindly mention the exact columns! Also give me the valid proof.
3. Which department of CIC sent this intimation letter regarding this Diary no return!!
4. Also I file the another one 2nd appeal Diary no: 654874 date 23.10.2019 this also refuse by you!!
 - a. What is the reason why you refuse my 2nd appeal??
 - b. Give me the valid evidence to me in this RTI as per section 2(f) of RTI Act, 2005.

Reply of CPIO:-

2. In response to the RTI application Sh. Krishan Avtar Talwar, Dy. Secretary & CPIO, Central Registray-1 informed the appellant that:

C. I. C. / के. सु. आ.
RECEIVED
11 MAR 2020
D. No.
Initials: *[Signature]*

"1 & 4

Seeking reasons dehors section 2(f) of RTI Act-2005. However for sake of transparency, it is clarified that unless legible, self-attested copies of all documents enumerated in Rule 8 of RTI Act-2005 is provided, the Second Appeal cannot be registered. Further all the Facilitation Memos vide which your Second Appeal was returned are also self-explanatory in this regard.

2 & 3

The issue is not clear."

Ground of First Appeal:-

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

"I very well know that my 2nd appeal was rejected but via this RTI I want to know the exact and accurate reason!!! Why my 2nd appeal was rejected!!

I want to clear one thing I file the 2nd appeal in ONLINE MODULE only so, it is very clear and legible!!! Also I filled all the mandatory columns if I forget anything means then how I get the Diary No?? I already taken the SCREEN SHOTS it is very clear all the required columns are filled by me!!"

Decision with reasons:-

4. On perusal of the Appeal, RTI application and CPIO's reply it is observed that the appellant is seeking reasons of returning his second appeal petitions, submitted on time to time. The CPIO, in his reply has clearly stated that "**unless legible, self-attested copies of all documents**, enumerated in Rule 8 of RTI Rules, 2012 (not in Rule 8 of RTI Act-2005, which has been written by mistake) is provided, the Second Appeal cannot be registered. The CPIO has further informed that all the '**Facilitation Memos**' vide which Second Appeals were returned are also self-explanatory, since the reason/reasons of returning the petitions are mentioned in those letters.

It is important to note that as per provision of Rule 8 of RTI Rule, 2012, '**self-attested**' copies of RTI application, CPIO's reply, if available, First Appeal and the order passed by First Appellate Authority, if available, must be enclosed/attached with appeal petition, for getting a Second Appeal registered with the Commission and if the Second Appeal petition is not as per the above provision, the Commission under the provision of Rule 9 of RTI Rule, 2012, returns the petition to the concerned appellant for removal of deficiencies and to resubmit it again. Hence, the second appeal petition of the appellant has not been rejected, as has been mentioned by the appellant in his 1st appeal petition, but has been returned for defect rectification.

In light of the above the information provided by the CPIO is factual and as per provision of the RTI Act. 2005 and hence further intervention is not required on the part of the FAA, in the matter.

5. The appeal is being disposed of accordingly.

MD, S&M : I

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 04, 2020.

M. Balimane
04/3/2020
(Smt. Meena Balimane Sharma)
First Appellate Authority
Tel: 26162290

Copy to:-

- C.D.*
11/3/20
1. CPIO, RTI Cell, CIC, New Delhi.
2. Sh. Krishan Avtar Talwar, Dy. Secretary & CPIO, Central Registry-1, CIC, New Delhi.
- M. Balimane*
11/03/2020