

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

CIC/AA/A/20/78
CICOM/A/E/20/00043
CICOM/R/E/20/00155

Name of the Appellant: Ms. Srushti Chahande Dhoble
Hardas Nagar, Behind Buddha Vihar
Kamptee – 441001.

1.	Date of RTI application	29.02.2020
2.	Date of reply of the RTI application	04.03.2020
3.	CPIO(s) who furnished reply	Sh. T. B. J. S. Rajappa
4.	1 st Appeal Date	14.03.2020
8.	Date of Decision	20.03.2020

Brief Facts of the case:-

1. The appellant, through her RTI application, wants the documented information regarding action taken by the Appellate Authority on the information officer on her complaint dated 17.02.2020 regarding information officer, Kamptee, Nagpur at the DCP Zone-5 office, Nagpur.

Reply of CPIO:-

2. In response to the RTI application Sh. T. B. J. S. Rajappa, CPIO (RTI cell) provided following information to the appellant:

“The information sought for in your RTI application is not available in Central Information Commission. You may approach the concerned authority for the desired information.

Central Information Commission is the Second appellate authority under the RTI Act, 2005 in respect of RTI matters involving public authorities under the Central Government of UT's. This is a State matter and the jurisdiction of State information Commission and Central Information Commission are distinct & separate.”

Ground of First Appeal:-

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

“I Mrs.Srushti Anup Dhoble had given a complaint at the First Appellate Authority, (DCP Zone 5 Nagpur Maharashtra) on 17.02.2020 regarding the Information Officer Kamptee, (Dist: Nagpur) for providing incomplete information and the documents provided were not having the seal or the signature of the associated authority and the documents were not provided authentically as per RTI act. I want to know documentedly what actions have been taken by the first appellate authority on the Information Officer regarding my complaint. Note: Provide me information under Section 6(3) of RTI act by forwarding my appeal to the desired department and providing me with the immediate information regarding the transfer of RTI to that department.”

Decision with reasons:-

4. (a) On perusal of the Appeal, RTI application and CPIO's reply, it is observed that, as the appellant has sought the information related to a State Public Authority which is not covered under jurisdiction of Central Information Commission, the information provided by CPIO is correct. However in pursuance of objectives of RTI Act, 2005 this RTI application should have been transferred to concerned Public Authority under Section 6 (3) of the RTI Act. Therefore Sh. T. B. J. S. Rajappa, CPIO, RTI Cell is being directed to transfer the physical copy of the RTI application to concerned Public Authority as per provision of RTI Act within 5 days of receipt of this order.

(b) As per Section 19(3) of RTI Act 2005, please note that the State Information Commission deals with second appeals with respect to RTI application filed before SPIO and Appellate Authority of State public authorities. Hence, you may kindly like to refer the matter to SPIO/Appellate authority/State Information Commission suitably.

5. The appeal is being disposed of accordingly.

6. However, 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: 20th March, 2020.

MBalimane
20/3/2020
(Meena Balimane Sharma)
First Appellate Authority
Tel: 26162290

Copy to:-

1. CPIO, RTI Cell, CIC, New Delhi.

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20/3/20

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