

Central Information Commission

Baba Gang Nath Marg,

Munirka, New Delhi – 110 067

CIC/AA/A/2020/

CICOM/A/E/20/00044

CICOM/R/E/20/00120

Name of the Appellant: Sh. Shailen Karmakar
38 A – Vivekananda Sarani, GARFA
P.O. – Haltu, Kolkata
West Bengal – 700078.

1.	Date of RTI application	14.02.2020
2.	Date of reply of the RTI application	11.03.2020
4.	CPIO (s) who furnished reply	Sh. R. Sitarama Murthy, CPIO(IC-SC)
3.	1 st Appeal Date	17.03.2020
5.	Date of Decision	08.04.2020

Brief Facts of the case:-

1. The appellant through his RTI application, asked for following information:-
 1. Certified Photocopy of all the written replies/submission made by the Respondent to the Central Information Commission from 20.10.2015 to 28.03.2016 (date of hearing) or thereafter in connection with the case No. CIC/MP/A/2015/001696.
 2. Whether the Respondent submitted any Affidavit or undertaking separately or alongwith their replies/submission made to the Central Information Commission in connection with the case No. CIC/MP/A/2015/001696. If so, I request you to kindly provide me certified photocopy of the Affidavit and undertaking.

Reply of CPIO:-

2. In response to the RTI application, the CPIO(IC-SC), Sh. R. Sitarama Murthy provided point-wise information, which is as under:-
 1. The replies/submissions made by the respondent during the period are attached herewith. There were no submission by respondent other than these.
 2. There is no affidavit or undertaking.

Ground of First Appeal:-

3. The appellant in his First Appeal petition, has stated that “the information provided by Shri R.Sitarama Murthy, CPIO(IC-SC) was not the information which was sought for.” The appellant has submitted that “I am in urgent need of the written reply submitted by Shri Bhaskar Verma, Dy.CGA and the FAA in the case No. CIC/MP/A/2015/001696. The Para-4 of the Order No.CIC/MP/A/2015/001696 was based on the submission of the FAA. The information sought for must be available in the case file No.CIC/MP/A/2015/001696. I request you to kindly take necessary action to provide me the information sought for.”

Decision with reasons:-

4. On perusal of the Appeal, RTI application and the reply of the CPIO, it is observed that the CPIO, Sh. R. Sitarama Murthy, has already provided the copy of documents available in the concerned case file to the appellant. It is important to note that as per the provision of Section 2(f) of RTI Act, 2005 only such information, which is available in record or is held by the public authority in material form, can be supplied by a CPIO. Hence the information provided by the CPIO is factual and as per the provision of RTI Act, 2005. 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– 08.04.2020

MP Balimane
08/4/2020
(Meena Balimane Sharma)
First Appellate Authority
Tel: 26162290

Copy to:-

1. CPIO, RTI Cell, CIC, New Delhi.
2. Sh. R. Sitarama Murthy, CPIO (IC-SC), CIC, New Delhi.