

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

CIC/AA/A/2020/  
CICOM/A/E/20/00046  
CICOM/R/E/20/00097

Name of the Appellant: Sh. Rajesh Mongia  
B-115, First Floor,  
Gujranwal Town, Part-I,  
Delhi —110009.

1.	Date of RTI application	06.02.2020
2.	Date of real of the RTC application	03.03.2020, 06.03.2020, 11.03.2020
3.	CPIO (s) who furnished reply	Sh. C. Vinod Babu, Sh. Kishore Kumar Pukhral, Sh. Krishan Avtar Talwar
4.	First Appeal Date	02.04.2020
5.	First Appeal received in FAA's office	05.05.2020 (through online portal)
6.	Date of Decision	28.05.2020

**Brief Facts of the case:-**

1. The Appellant, through his RTI application, has asked for following information/documents, pertaining to a CIC's e-office file No. Admn-17015(I 1)/3/2018-JS(Admn)-CIC:

(A) Note No. 170: Please provide following: (i) Copy of complaint (CP-95) (ii) Copy of complete file including noting on which the complaint was processed. (iii) Copy of counseling letter issued to the applicant Dr. Rajesh Mongia (iv) Copy of SOP for dealing with complaints in respect of following officials of CIC: a. Officials on Deputation b. Consultants on contract basis c. Persons engaged through outsourcing vendors. (v) Complete File noting (Physical file) in respect of non verification of attendance of outsourced staff processed through the Registrar to the Secretary with remarks by all officials till the date of this RTI reply.

(B) Note No. 173 & 175: Please provide following: (i) SOIL for evaluating the performance of the following: a. Officials on Deputation b. Consultants on contract basis c. Persons of outsourcing vendors.

(C) Note No. 174: Please provide following: In respect of Point 1: (i) Dates of leave of the regular DR to CR-1 (ii) Dates of registration of second appeals: a. CIC/CCFLT/A/2019/124558 b. CIC/IARMY/A/2019/125155/SD (iii) Copy of e-office file noting initiated by DR CR-2 where rights to register second appeals on APPCOMS software being link officer processed through Registrar was denied by JS(MR). In respect of Point 2: (iv) Copy of e-office file noting initiated by DR CR-1 acting as link officer during leave period of DR CR-2 (File No. CRI-12/2/20J 9-CR I-CIC) duly approved by Registrar carrying remarks up to the date of this RTI reply. In respect of Point 3: (v) Copy of e-office file noting in respect of monthly billing of the vendor initiated by DR CR-2 duly approved by Additional Secretary and Registrar carrying notes from 14.01.2019 upto the date of this RTI

reply (vi) Format of satisfaction certificate, if any, as part of the Contract agreement or subsequently approved by Competent Authority. (vii) Total number of satisfaction certificates obtained alongwith monthly bills from vendor Samin Techmindz since commencement date of work order till Oct 2019.(viii)Copy of Contract Agreement and all work order(s) for issue of facilitation memo by vendor at CR-1 since 2016.

(D) NoteNo.176:Please provide:(i)Copy of the complete noting (physical file) through which the task was assigned by JS (Law) to applicant (ii) Copy of SOP for applying and sanction of casual leave in respect of: a. Officials on Deputation b. Consultants on contract basis c. Persons of outsourcing vendors (iii) Dates from 14.01.19 to 31.10.19 when JS (Law) worked as Link officerto Registrar.

(E) Copy of e-office file noting - PENDING ISSUES, initiated by DR CR-2 through Registrar to Secretary in Oct 2019 including copies of all 4 noting mentioned thereinwith disposal tilldate."

### **Reply of CPIO:-**

2. In respect to the above RTI application of the appellant, Sh. C. Vinod Babu, CPIO, provided the desired information to the Appellant after getting it received under section 5(4) of RTI Act from the concerned section of CIC vide his letter dated 03.03.2020.

In this reply, information pertaining to Point No. A - (i), (ii),(iii),(iv),(v),B-(i)-(a),(b),(c),C(i),D—ii—(a),(b),(c),andD(iii)were provided to the appellant. For rest of the Information, the RTI application was forwarded to the CPIO, CR-1 and the CPIO (Legal Cell) to provide the concerned information to the appellant.

In respect to the Point No. D(i), Sh. Kishore Kumar Pukhral, CPIO (Legal Cell),provided the reply to the appellant vide letter dated 05.03.2020, stating that—"No such physical file is available in the office of JS(Law)/ Legal Cell." He further informed the Appellant that the Registrar, CIC has been requested to provide the desired information and as soon as it received, the same will be provided to the Appellant.

For rest of the information, Sh.Kirshan Avtar Talwar, CPIO(CR-1),vide letter dated 11.03.2020 responded to the RTI request in detail, in which, for some of the information, the appellant had been requested to inspect the concerned file and to get the desired documents after paying the additional charges as per the provision of the RTI Rule, 2012.

### **Ground of First Appeal:-**

3. Aggrieved with the reply received against point Nos. A (v), C (i), C (iii), C (iv), C (v) C (vii), C (viii) , D (i), D (ii) — (b & c) &Point No. E of the RTI application, the Appellant has filed the first appeal with a request to provide him complete information free of cost, since the reply to his RTI application has been given after him after expiry of 30 days as has been mandated in the Act.

### **Decision with reasons:-**

4. On perusal of the Appeal, RTI application and the reply given by the CPIOs, it is observed that the Appellant, through his RTI application, has asked for various information/documents pertaining to an e-office file of the Commission.The CPIOs have provided information to the Appellant, whatever is available in record. Further, on going

through the information, asked for by the Appellant, some of his queries are not clear, as has been informed by DR-CR-1 in his reply, and some of them, like, copies of Contract Agreement and all work order(s) of issuing facilitation memos by vendor at CR-1 since 2016 etc., are vast in nature and also come under the category of personal information of a third party, which cannot be disclosed under the provision of section 8(1)(j) of RTI Act, 2005, especially when, the Appellant has not given any justification as to how the disclosure of such information would serve the purpose of larger public interest. Further, according to the record of the Commission, the appellant himself has already served as DR. CR-2 (Consultant) in the Commission and was fully acquainted with all the documents and information, which have been asked for by him through his RTI application. The undersigned is of the opinion, that the objective of the Appellant in not getting any information, rather he wants to harass the official of the Commission or wants to pursue his own interest, in any, by asking such information and hence, this is an example of misuse of RTI Act.

It is worth mentioning here, that Hon'ble Supreme Court in its decision in Central Board of Secondary Education and another vs. Aditya Bandopadhyay and Others, (2011) 8 SCC497 has held that,

*"The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty."*

In light of above observation, the information available in record has already been supplied to the Appellant and there is no reason of further intervention of the undersigned 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 90days.

Dated — 28 May, 2020.

*MB*  
*28/5/2020*  
(MeenaBalimaneSharma)  
First Appellate Authority  
Tel:26162290

Copy to:-

1. CPIO, RTI Cell, CIC, Delhi.
2. Sh. V. P. Singh, Deemed CPIO & SO (Consultant) Admn., CIC, New Delhi.
3. Sh. C. Vinod Babu, CPIO, Admn. Section, CIC, New Delhi.
4. Sh. Krishan Avtar Talwar, CPIO, CR-1, CIC, New Delhi.
5. Sh. Kishore Kumar Pukhral, CPIO, Legal Cell, CIC, New Delhi.