

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

CIC/AA/A/2020/
CICOM/A/E/20/00059
CICOM/R/E/20/00244

Name of the Appellant: ShriVarun Krishna
213 GobindAppts
B-2 Vasundhara Enclave
Delhi – 110096.

1.	Date of RTI application	17.04.2020
2.	Date of reply of the RTI application	11.05.2020
3.	CPIO (s) who furnished reply	ShriS.C.Sharma
4.	1 st Appeal Date	12.05.2020
5	Date of Decision	01.06.2020

Brief Facts of the case:-

1. The Appellant, through his RTI application, asked for following information/documents regarding a second appeal order No. CIC/ISPNR/C/2018/626088, dated 12.3.2020, passed by the Commission:-

- A) Documentary proofs proving that the PIO has provided accurate and complete information for my RTI including action taken report and file notings as per S.No 1.
Note: If no information exists then clearly state the same.
- B) Documentary proofs proving that the PIO has provided accurate and complete information for my RTI including action taken report and file notings as per S.No 2.
Note: If no information exists then clearly state the same.
- C) Documentary proofs proving that the PIO has provided accurate and complete information for my RTI including action taken report and file notings as per S.No 3 of my RTI.
Note: If no information exists then clearly state the same.
- D) If no information exists for S.No A, S.No B, Or S.No C above then provide grounds available in records based upon which no action has been taken upon the PIO for violating section 18.1.e.
Section 18.1.e : who believes that he or she has been given incomplete, misleading or false information under this Act;
- E) Documentary evidence available in records based upon which IC has termed my RTI queries from S.No 1 to 3 as clarification queries thereby passing a non standing order in order to harass RTI applicant.
- F) Name and designation of deemed PIO whose assistance is sought u/s 5(4) + 5(5) while disposing this current RTI along with Grounds available in records based upon which Ld IC's assistance as a deemed PIO has not been sought (if any).

Reply of CPIO:-

2. In response to the RTI application, the CPIO Sh. S. C. Sharma has provided following point wise information to the Appellant vide his letter dated 11.05.2020:-

- A) No such separate information is available in the Registry. Interpretation of Commission's order is not within the jurisdiction of the CPIO. However, the order No.

- CIC/ISPNR/C/2018/626088 has been passed after hearing both the parties coupled with the available record in the file.
- B) As above at (A) and accordingly no further information exists.
- C) As per above at (A) and no further information exists.
- D) Interpretation of Commission's orders does not fall within the ambit of CPIO.
- E) As indicated at (A) and (D) above.
- F) Since the order in question is self-explanatory and speaking, therefore, no assistance was required.

Ground of First Appeal:-

3. Aggrieved with the reply given by the CPIO, the appellant has filed First Appeal, by complaining that

A) The PIO is obstructing information for S.No D, and S.No E deliberately, knowingly and with the mala-fide intentions in order to erring Ld IC Shri Neeraj Kumar Gupta who has termed my RTI queries as clarification queries, hence the reply of Ld IC Shri Neeraj Kumar Gupta is warranted by making him a deemed PIO u/s 5(4) r/w 5(5).

B) Ld. PIO in order to cloud the wrong-doings of the IC Shri Neeraj Kumar Gupta is not making him the deemed PIO as evident in reply of S.No F.

The Appellant has requested to issue the necessary directions to provide point-wise reply without any further delay free of cost u/s 7(6). If no information exists then the same should be provided on an affidavit.

Decision with reasons:-

4. On perusal of the Appeal, RTI application and the reply given by the CPIO, it is observed that basically the Appellant has asked for interpretation of the second appeal order passed by the Commission in his case. It is worth mentioning here that under the provisions of the RTI Act, only such information as is available and existing and held by the Public Authority or is under control of the Public Authority can be provided. The PIO is not supposed to create information that is not a part of the record. He is also not required to interpret information or furnish replies to the hypothetical questions. Similarly, redressal of grievance, reason for non-compliance of rules/contesting the actions of the respondent Public Authority are outside the purview of the Act.

In light of the above, the information provided by the CPIO is factual and as per the provision of RTI Act, 2005 and hence, no intervention is required on the part of the FAA.

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 -3 June, 2020.

M. Balimane
03/06/2020
(Meena Balimane Sharma)
First Appellate Authority
Tel: 26162290

Copy to:-

- 1. CPIO, RTI Cell, CIC, New Delhi.**
- 2. Sh. S.C. Sharma, CPIO &DO to IC (NG), CIC, New Delhi.**