

Central Information Commission

Baba Gang Nath Marg,
Munirka, New Delhi – 110 067

CIC/AA/A/2020/

CICOM/A/E/20/00060

CICOM/R/E/20/00235

Name of the Appellant: Ms. Deepak Sandhu
D 10 A, Dayal Bagh,
Ambala Cantt,
Ambala, Haryana,
Pin : 133001

1.	Date of RTI application	13.04.2020
2.	Date of reply of the RTI application	11.05.2020
3.	CPIO (s) who furnished reply	Sh. K.L.Das, CPIO DO to CIC
4.	1 st Appeal Date	13.05.2020
5.	First Appeal received in FAA's office	13.05.2020 (through online portal)
6.	Date of Decision	16 .05.2020

Brief Facts of the case:-

In the RTI application, the Appellant has sought the following information:-

“Kindly let me acquaint about the followings 1 Certified copy of the final action taken report/final decision pronounced by Honourable CIC New Delhi on my Non Compliance complaint diarised vide case no. 111527 on dated 11/03/2020.”

Reply of CPIO:

2. In response to the above RTI application of the Appellant, the CPIO, Sh.K.L.Das provided following information to the Appellant:

“We have sought action taken on the direction contained in order No. CIC/PMOIN/A/2017/183640 dated 28.06.2018. Compliance report in the matter was sought from Ministry of Youth Affairs & Sports which does not appear to have been received. The CPIO is being again requested to send compliance report. The matter rest at this stage.”

Ground of First Appeal:

3. Aggrieved with the response received from the CPIO, the Appellant filed first appeal on following grounds:

“The reply provided by concerned CPIO is absolutely vague and ambiguous as well because what I exactly sought is the Final Action taken report upon my non compliance complaint because CIC specifically ordered on dated 28 6 18 to CPIOs PMO and MYAS to provide specific information within 15 days. Moreover CIC vide

letter dated 23 07 2018 informed the concerned CPIOs that if you fail to furnish your reply submissions within 15 days, it will be presumed that you have nothing to say in your defence and the matter Will be considered and decided according to law. But since almost 2 years of orders and numerous non compliance complaints by the petitioner, no final action taken yet has been provided by CIC. Therefore, this letter should be reckoned as First Appeal accordingly and Final Action Taken report should be provided by CIC in my cases."

Decision with reasons:

4. On perusal of the Appeal, RTI application and the reply sent by the CPIO, it is observed that in response to RTI application the CPIO has already provided the desired information, which is available in record, to the Appellant that compliance reports were asked for from the CPIOs of concerned Ministries/Departments, which have not been found received and they are again being requested to send compliance report in concerned matter.

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 CPIO is not supposed to create information that is not a part of the record.

Under above observations no 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 – 16.05.2020

DBalimane
16/5/2020
(MeenaBalimane Sharma)

Addl. Secretary & First Appellate Authority

Tel: 26162290

Copy to:-

1. Sh. T. B. J. S. Rajappa, CPIO, RTI Cell, CIC, New Delhi.
2. Sh. K. L. Das, CPIO & DO to CIC (BJ), CIC, New Delhi.