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

CICOM/A/P/20/00060
CICOM/R/P/20/00268

Name of the Appellant: Sh. Ajay Manda
H. No. 1179, Sector – 18 C
Chandigarh – 160018.

1.	Date of RTI application	11.06.2020
2.	Date of reply of the RTI application	08.07.2020
3.	CPIO (s) who furnished reply	Sh. A. K. Assija
4.	Date of First Appeal application	13.07.2020
5.	Date of receipt of First Appeal application in office of the FAA	17.08.2020
6	Date of Decision	26.08.2020

1. Brief Facts of the case:-

The Appellant, through his RTI Application,asked for the following information:-

1. Give the copy of record in which the CIC has printed in its order that "the post of Sr. CO not for SC Category" give copy.
2. Give the copy of record in which the CIC has printed in its order that "the applicant seeking information from last 9 Years" give the copy of records of which would show that information asked by me from last 9 years.
3. The CPIO claimed that asked 46 questions in RTI dt 22.08.2018 has been replied 4 to 5 times by different RTI but no details has been given so far, so give details as below : FIRST TIME

First time reply given by CPIO	Letter No. with date	Date of posting to me
For Q No. 1 to 46		

4. The CPIO claimed that asked 46 questions in RTI dt 22.08.2018 has been replied 4 to 5 times by different RTI but no details has been given so far, so give details as below : SECOND TIME

Second time reply given by CPIO	Letter No. with date	Date of posting to me
For Q No. 1 to 46		

5. The CPIO claimed that asked 46 questions in RTI dt 22.08.2018 has been replied t 4 to 5 times by different RTI but no details has been given so far, so give details as below : THIRD TIME

Third time reply given by CPIO	Letter No. with date	Date of posting to me
For Q No. 1 to 46		

6. The CPIO claimed that asked 46 questions in RTI dt 22.08.2018 has been replied t 4 to 5 times by different RTI but no details has been given so far, so give details as below : FOURTH TIME

Fourth time reply given by CPIO	Letter No. with date	Date of posting to me
For Q No. 1 to 46		

7. Give name of Information Commissioner who has certified that order of Second Appeal No.CIC/NIOAM/A/2017/112269/MP has been followed by CCSNIAM, Jaipur.
8. As per RTI Act at time of Hearing, If Complainant not intimated or called by the CIC, Delhi then still that decision of IC,CIC applicable and on what basis?
9. Give any records of the decision of IC, CIC, Delhi given for any respective RTI just basis of the CPIO's verbal statement only which was made at time of hearing.
10. What is the status of my letter dated 28.10.2017 concern with decision of Appeal No.CIC/NIOAM/A/2017/112269/MP?
11. What action has taken for false and misguided reply given by the CPIO, CCSNIAM for Q. No. 4, 7, 8, 9, 10, 11 and 12 against the order of IC, CIC for file No. CIC/NIOAM/A/2018/150495, for details see my letter of dated 15.12.2019?
12. What action has taken for false and misguided reply given by the CPIO, CCSNIAM for Q. No. 21 against the order of IC, CIC for file No. CIC/NIOAM/A/2018/150495, for details see my letter of dated 15.12.2019?
13. What is the status of my representation of dated 21.03.2020 made to IC, CIC, Delhi?

2. Reply of CPIO.

In respect to the RTI Application, following point wise information was given by heCPIO, Sh. A. K. Assija vide his letter dated 08.07.2020:-

1. No such record is maintained by the registry.
2. No such record is maintained by the registry. However, a copy of written submission having letter No. 01/NIAM/ADMN/Ex-SCO/113/2017/24350 received from Dr. HemaYadav, Director (Admn. I/C)/CPIO in respect of file No. CIC/MAGRI/A/2018/172339 is enclosed for your reference.
3. No such record is maintained by the registry.
4. No such record is maintained by the registry.
5. No such record is maintained by the registry.
6. No such record is maintained by the registry.
7. A copy of the order of the Commission having File No. CIC/NIOAM/A/2017/112269 dated 12/02/2017 is enclosed for your reference. Decision part of the order states that "No intervention is called for on the Commission's part. The appeal is disposed of".
8. No such record is available.
9. No such record is available.
10. No such record is available.
11. No such record is available.
12. No such record is available.
13. It is filed in the E Book of the case.

3. Ground of First Appeal:-

Aggrieved with the reply given by the CPIO, the Appellant filed First Appeal complaining that he did not get any reply/ records from the CPIO.

4. Decision with reasons:-

On perusal of the Appeal, RTI application and reply given by CPIO, it is observed that what has been asked for by the appellant against point Nos. 1 & 2 is the interpretation of decision passed by the Commission in respect to the Second Appeal No. CIC/MAGRI/A/2018/172339/03193 of the Appellant. Further, against point No. 8 of the RTI application, the appellant has asked for comments of the CPIO on a hypothetical question based on a particular circumstance. It is important to note that under the provisions of Section 2(f) 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 authoritycan be provided by a PIO. The PIO is not supposed to interpret or create information or furnish replies to the hypothetical questions. Likewise, the queries raised by the Appellant against point Nos. 3 to 6 do not pertain to the Commission, hence no such records are available with the concerned Registry.

As far as the queries of the Appellant w.r.t. point No. 10, 11 and 12, it is observed that the reply given against these points by the CPIO is not clear. It is worth mentioning here that the appellant under these points, has asked for information regarding action taken on his representations dated 28.10.2017 and 15.12.2019. The CPIO in his reply has merely said that "no such record is available." It is not clear from the reply that whether the representations dated 28.10.2017 and 15.12.2019 have been received in the Commission and if yes, what action has been taken on that. In light of the above the CPIO, Shri A. K. Assija is hereby directed to send a fresh reply to the Appellant against point Nos. 10 to 12 within 15 days after receipt of this order in light of the observation made by the undersigned.

Information provided against remaining points are factual and as per the provision of RTI Act, 2005. Hence no further intervention is required.

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 –26th August, 2020.

MBalimane 26/08/2020

(MeenaBalimane Sharma)
First Appellate Authority
Tel: 26162290

Copy to:-

1. **Sh. Ram Kumar, CPIO, RTI Cell, CIC, New Delhi.**
2. **Sh. A. K. Assija, CPIO& DR to IC (VN), CIC, New Delhi**

Ravi 27/8/20

O/C 27/8/20