

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

CICOM/A/E/20/00062
CICOM/A/E/20/00063
CICOM/A/E/20/00064
CICOM/A/E/20/00065
CICOM/R/E/20/00169

Name of the Appellant: Sh. Rakesh Kumar Gupta
Flat Number 1001 , 10th Floor
Block C2B Golf Link Residency
DDA New Multi storey apartment
Pocket 2 Sector 18B Dwarka
New Delhi-110078

1.	Date of RTI application	08.03.2020
2.	Date of reply of the RTI application	18.03.2020, 19.05.2020
4.	CPIO (s) who furnished reply	Sh. H. P. Sen, Sh. R. P. Grover
3.	1 st Appeal Date	20.05.2020
5	Date of Decision	12.06.2020

Brief Facts of the case:-

The Appellant has filed four First Appeals No. CICOM/A/E/20/00062, CICOM/A/E/20/00063, CICOM/A/E/20/00064 and CICOM/A/E/20/00065, for his same RTI application dated 08.03.2020. The Appellant, through his RTI application, asked for following information:-

“Soft copy of general/ specific direction by concerned Information Commissioner and the respective Registry (related to only delay listing of cases latter than the norms.) to overrule procedure/ norms fixed bye mail to Undersigned.

All the cases are related to all Registry.

1. Kindly provide/give general/specific direction (delay listing of cases latter than the norms) issued by concerned Information Commissioner and the respective Registry to overrule procedure/norms fixed by all the combined Information Commissioner with their reasoning to overrule the norms. Reasoning is given in file noting in which direction are issued.

e.g. case CIC/DEPOL/A/2018/623709 was adjourned on 8-11-2019 but next date was sent/FIXED afterwards on 20-2-2020.(more than 3 months latter)

Kindly provide information by e mail to Undersigned

This point include all the general directions followed from 2015 even older than 2015 but followed after 2015 also and specific direction since 1-1-2015 to overrule for fixing hearing date due to hearing is delayed than the norms fixed and explained in the enclosed letter. One of Undersigned letter is enclosed herewith to Understand full contest. Understand may to follow this obedience of norms with appropriate forms.

2. Kindly provide soft copy of records available with Central Information Commission (including complaints disposal (of listing cases latter than norms fixed disposal) related to Point 1 above In DVD or e mail to tosnehcs1@gmail.com.,

3. Kindly provide inspection of Point 1-2 records (this will be excised, when soft copy given by the Public Authority does not contain information given by Undersigned. Or alternatively Point 1 soft copy denied.
4. Kindly provide soft copy of records pointed out after inspection."

Reply of CPIO.

2. On going through the record of RTI Cell, it is observed that the above RTI application of the Appellant was forwarded by Sh. TBS Rajappa, CPIO - RTI Cell to Sh. K. L. Das, CPIO (DO to CIC-BJ), Sh. H. P. Sen, CPIO (DO to IC-DP), Sh. Ashok Kr Assija, CPIO (DO to IC-VN), Sh. R. P. Grover, CPIO (DO to IC-YS) and Sh. R. Sitarama Murthy, CPIO (DO to IC-SC). Consequently, the Appellant received replies from the CPIO, Sh. H. P. Sen, DO to IC-DP and Sh. R. P. Grover, (DO to IC-YS). Sh. H. P. Sen in his reply dated 18.03.2020 provided following information to the Appellant:

1. No such information/direction is available on record.
2. Since no such record is available, soft copy of information sought, therefore, cannot be provided either in DVD or E-Mail.
3. There is no information available for inspection.
4. As mentioned at Sl.No.3.

CPIO Sh. R. P. Grover, DR to IC-YS, in his reply dated 19.05.2020 provided following information to the Appellant:

1. It is stated that every endeavor is made to list the cases for hearing in chronological order. Further, generally, in cases where adjournment is granted, the next date of hearing is given in the Interim Order itself. This date some time depends upon the availability of VC facility at the NIC Studio located at the particular station/submission sought from the Appellant/respondent. No such data as sought by you is available in the records.
2. There is no such record available as sought by you pertaining to Point No.1.
3. In view of reply to the foregoing points, no record is available for inspection.
4. No further comments may be offered in view of reply to Point 3 above.

It has also been observed, that the Sh. A. K. Assija, vide his letter dated 06.04.2020 and Sh. R. Sitarama Murthy, vide his letter dated 04.06.2020 have also forwarded his reply to the Appellant. Sh. A. K. Assija, in his reply has provided following information to the Appellant:

1. It is stated that every endeavor is made to list the cases for hearing in chronological order. Further, generally, in cases where adjournment is granted, the next date of hearing is given in the Interim Order itself. This date some time depends upon the availability of VC facility at the NIC Studio located at the particular station. No such data as sought by you is available in the records.
2. There is no such record available as sought by you pertaining to Point No.1, a soft copy of which may be provided to you.
3. In view of reply to the foregoing points, no record is available for inspection.
4. No further comments may be offered in view of reply to Point 3 above.

Sh. R. Sitarama Murthy has provided following information to the Appellant:

"With reference to your RTI application, at the outset it is to inform that this registry has been set up from January, 2019, with the joining of Shri Suresh Chandra, as Information Commissioner. In so far as information sought by you with reference to this Registry, there is no specific direction from the Commissioner to put the case delayed, in deviation of any procedures.

Ground of First Appeal:-

3. Aggrieved with the replies, sent by two CPIOs, Sh. Sh. H. P. Sen and Sh. R. P. Grover, the Appellant has filed First Appeal No. CICOM/A/E/20/00063 (against the reply received from Sh. H. P. Sen) and CICOM/A/E/20/00065 (against the reply received from Sh. R. P. Grover), in which the Appellant has complained that the information supplied by the CPIOs are evasive and has given his own reasoning to justify his opinion that the fixed norms for scheduling the hearing of cases are violated by the Registries.

4. Apart from the above, the Appellant has filed two more First Appeals No. CICOM/A/E/20/00062 and CICOM/A/E/20/00064. First Appeal No. CICOM/A/E/20/00062 has been filed on the basis that the information, asked for by him, is pertaining to all Registries of the Commission, whereas he has received responses only from two Registries. Further, First Appeal No. CICOM/A/E/20/00064 has been filed specifically for not receiving any reply from Sh. R. Sitarama Murthy, CPIO (DO to IC-SC).

Decision with reasons:-

5. On going through the information asked for by the Appellant, it is observed, that the Appellant has requested to provide the specific direction of individual Commissioner issued for scheduling cases for hearing. The Appellant is of opinion that the Commissioners are violating the set norm of listing of cases for hearing and in this course, earlier registered cases are being listed for hearing later than the cases registered thereafter. From the replies, sent by four CPIOs, it is quite clear that no such direction, issued by the Commissioners are available in record. Hence the information supplied by the CPIOs are as per the information available in record and accordingly information provided, are as per the provision of Section 2(f) of RTI Act, 2005. It is important to note, that cases are listed for hearing in chronological order according to the norms, set by Commission itself.

Hence no further intervention of the undersigned is required in this matter.

6. The appeals are being disposed of accordingly.

7. 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 –12th June, 2020.

Meena Balimane
12/06/2020
(Meena Balimane Sharma)
First Appellate Authority
Tel: 26162290

Copy to:-

1. Sh. T. B. J. S. Rajappa, CPIO, RTI Cell, CIC, New Delhi.
2. Sh. R. Sitarama Murthy, CPIO (DO to IC-SC), CIC, New Delhi
3. Sh. K. L. Das, CPIO (DO to CIC-BJ), CIC, New Delhi.
4. Sh. R. P. Grover, CPIO (DO to IC-YS), CIC, New Delhi
5. Sh. H. P. Sen, CPIO (DO to IC-DP), CIC, New Delhi