

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

CICOM/A/P/20/00066

CICOM/R/P/20/00267

Name of the Appellant:

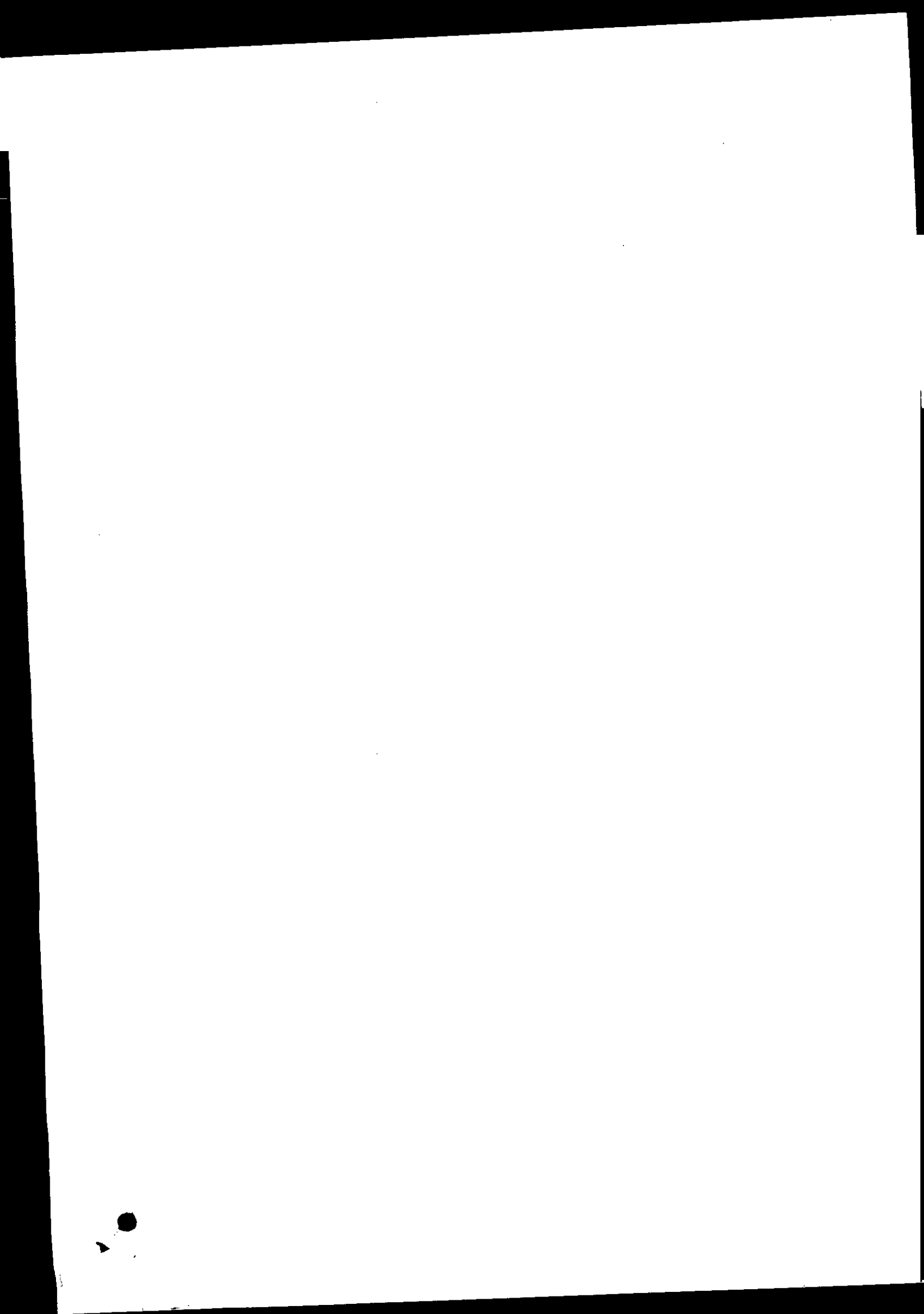
~~Dr.~~ Chandrashekhar Datta
24, Ganpati Avenue, Officer's Colony,
CLW, Chittaranjan, Dist. – West Burdwan,
West Bengal, Pin – 713 331

1.	Date of RTI application	11.06.2020
2.	Date of reply of the RTI application	01.07.2020
3.	CPIO (s) who furnished reply	Sh. B. S. Kasana, CPIO
4.	Date of First Appeal application	21.07.2020
5.	Date of receipt of First Appeal application in office of the FAA	11.08.2020
6.	Date of Decision	07.09.2020

1. Brief Facts of the case:-

The Appellant, through his RTI Application, has asked for the following information in reference to his Second Appeal decision No. CIC/ERAIL/A/2017/157914:

- Kindly provide certified copy of Information regarding the action taken & present position of my application Dated 19.11.2019 & 31.12.2019 to Shree Neeraj Kumar Gupta, Hon'ble Information Commissioner, New Delhi, already received (Copy Attached).
- Kindly provide certified copy of Information regarding the action taken against the CPIO for Non-Compliance of the order Dated 26.08.2019 vide CIC/ERAIL/A/2017/157914 of Shri Neeraj Kumar Gupta, Hon'ble Information Commissioner, New Delhi, through One Hundred Fifty Rupees was also paid for the documents, as per Orders, as in am unable to visit due to life-risk.
- Kindly provide certified copy of Information regarding the Rule under which the CPIO has received & kept the Fee for certified copies of Documents, as per the orders of Shri Neeraj Kumar Gupta, Hon'ble Information Commissioner, New Delhi, and not provided the documents. Previously as per order of Shree Bimal Julka, Hon'ble Information Commissioner, the Xerox copies which were provided Free of Cost were not clear, overlapped and he Educational Certificates were not provided etc. and I filed this RTI Application.
- Kindly provide certified copy of Information regarding the Reply of the Show Cause by the CPIO according to the order Dated 04.04.2019 Vide CIC/ERAIL/A/2017/157914 of Shri Neeraj Kumar Gupta, Hon'ble Information Commissioner, New Delhi.



2. Reply of CPIO.

In response to the above RTI Application the CPIO, Shri B. S. Kasana provided following Point wise information to the Appellant:

- 3(a). In view of the action taken by CPIO vide his letter No. F/Appeal/RTI Cell/2019/ Dr. Chandrashekhar Data dated 27.11.2019 and 21.12.2019, no action has been taken on your letter dated 19.11.2019 and 31.12.2019. Moreover, your letter dated 19.11.2019 could not be traced in the File.
- 3(b). Initially, the second appeal No. File CIC/ERAIL/A/2017/157914 was heard on 04.04.2019, wherein respondent was directed to show cause for the reasons in writing for contravening the provision of RTI Act, 2005. After that, having considered the reply of the respondent, the case was re-heard on 26.08.2019. However, the Information Commissioner, while heard the case, treated the petition as "Non-Compliance Petition" & disposed off accordingly (Copy attached).
- 3(c). Since, the information relates to Public Information Officer, Workshop Personnel Officer, Eastern Railway, Jamalpur and CPIO, M/o Railways, PIO cum DCME Project, Eastern Railway, Locomotive Workshop, Jamalpur. Distt. Munger, Bihar, as such the part of your application has been transferred to them under section 6(3) of RTI Act, 2005, with a copy to you (Copy attached).
- 3(d). The copy of the reply to show cause notice, sent vide letter No. F/Appeal/RTI Cell/2019/Dr. Chandrashekhar Datta dated 24.08.2019 by CPIO, is attached.

3. Ground of First Appeal:-

Aggrieved with the reply sent by the CPIO, especially against Point No. 3(a), the Appellant has filed First Appeal, stating that, "Two letters were sent per registered post and already received as per postal information. No action taken i.e. action awaited means, due to such negligence till date the information has not been provided to me even after paying the fee for certified copy of documents."

4. Decision with reasons:-

On perusal of the Appeal, RTI application, the reply sent by the CPIO and First Appeal, it is observed that the CPIO has provided point-wise information to the Appellant, as per information available in record. 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 authority can be provided by a PIO. Further, the Appellant has not made any complain against the information provided by the CPIO, but he is aggrieved with no action has been taken by the concerned Registry on his non-compliance petitions dated 19.11.2019 & 31.12.2019. Accordingly, no further intervention is required on behalf of the undersigned in this matter. However, the appellant may approach to the concerned Registry of the Commission separately for early disposal of his Non-compliance petition.

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.

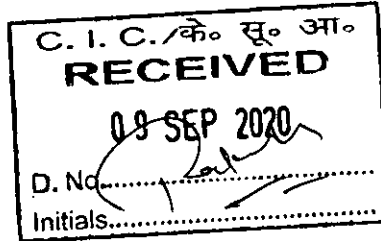
Dated - 7th September, 2020.

Meena Balimane
07/09/2020
(Meena Balimane Sharma)
First Appellate Authority
Tel: 26162290

Copy to:-

1. Sh. Ram Kumar, CPIO, RTI Cell, CIC, New Delhi.
2. Sh. B. S. Kasana, CPIO, CIC, New Delhi.

JK



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