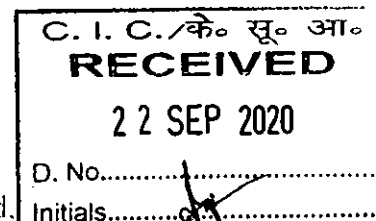


Central Information Commission
Baba Gang Nath Marg.
Munirka, New Delhi – 110 067

CICOM/A/P/20/00071
CICOM/R/P/20/00274



Name of the Appellant: Shri K. Dhananjay
Door No.-48, 8th Cross, 12th Main Road,
Raghavendra Block, Srinagar, Bengaluru.
560 050

1.	Date of RTI application	16.06.2020
2.	Date of reply of the RTI application	02.07.2020
3.	CPIO (s) who furnished reply	Sh. H. P. Sen, CPIO & DR to IC-DP.
4.	Date of First Appeal application	27.07.2020
5.	Date of receipt of First Appeal application in office of the FAA	27.08.2020
6.	Date of Decision	21.09.2020

1. **Brief Facts of the case:-**

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

1. "Supply video-clip copy of full Video-Conference-proceedings (19-06-2019) in respect of a particular CIC-Case, File No.: -CIC/CADMT/A/2018/611756 dated 19.06.2019 in the case of K. Dhananjay (Appellant) V/s. A. Thomeena (CPIO), presided by Hon'ble CIC Shri Divya Prakash Sinha. Venue at: - CGO-Complex, Kendriya Sadan, Koramangala, Bangalore. Information to be supplied in diskette form. Video Compact Disc (VCD).
2. Supply information on all post-facto actions taken by the concerned CIC consequent to issuing of show-cause notice, dated 12-09-2019, seeking explanation from A. Thomeena (CPIO).
3. Supply all information, if, in case, any actions initiated by the CIC on A. Thomeena (CPIO), under Section 20(1) & (2) of RTI-Act, 2005 for imposing penalty and disciplinary action for her non-compliance & contempt of CIC-Order.
4. Supply all information (under which provision of the RTI-Act), if, no action is taken on A. Thomeena (CPIO), till date.
5. Supply all information, if CIC fails to initiate any action on A. Thomeena (CPIO), then, victim to take what actions further. "

2. **Reply of CPIO.**

In response to the above RTI Application the CPIO, Shri H. P. Sen, CPIO & DR to IC-DP, provided following Point wise information to the Appellant:-

- i) No video clip is available as CIC does not record any of its hearing proceedings.
- ii) No such information is available. It is found that the CPIO complied the CIC decision and therefore, no further action required to be taken.
- iii) Since no action was required to be initiated against the CPIO, therefore no further information in the matter is available.
- iv) You have not sought any specific information under Section 2(f) of RTI Act.
- v) No such information is available with CIC.

3. **Ground of First Appeal:**

Aggrieved with the reply sent by the CPIO, especially against Point No. 1 and 2, the Appellant has filed First Appeal, alleging that despite information available to his RTI Application, the CPIO, "still, due to vested interests (protect concerned CIC from police investigation), the CPIO rejected sought information." The Appellant has also alleged that the CIC, collusion with concerned CPIO, has not taken penal action against him and has also asked for some fresh information, which is not the part of his RTI Application.

4. **Decision with reasons:**

On perusal of the Appeal, RTI application and the reply sent by the CPIO, 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. Hence, the information provided against point No. 1 and 2 is factual and as per the provision of RTI Act, 2005. Further, the Appellant has not made any complain against the information provided by the CPIO, CIC, but he is aggrieved with the decision of the Commission for not initiating penal action against the concerned CPIO in respect to his Second Appeal. Hence, no intervention in this matter is required on behalf of 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 – 21st September, 2020.

M. Balimane
21/09/2020
(Meena Balimane Sharma)
First Appellate Authority
Tel: 26162290

Copy to:-

1. Sh. Ram Kumar, CPIO, RTI Cell, CIC, New Delhi.
2. Sh. H. P. Sen, CPIO & DR to IC(DP), CIC, New Delhi.

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22/09/20