

**Central Information Commission**

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

CICOM/A/E/20/00072

CICOM/R/E/20/00188

Name of the Appellant: Sh. Vinod Kumar Garg  
Sector 6, House No. 5 C  
Raj Nagar, Ghaziabad  
Uttar Pradesh - 201002

1.	Date of RTI application	15.03.2020
2.	Date of reply of the RTI application	26.05.2020
3.	CPIO (s) who furnished reply	Sh. R P Grover
4.	1 <sup>st</sup> Appeal Date	02.06.2020
5.	Date of Decision	12.06.2020

**Brief Facts of the case:-**

1. The appellant, through his RTI application, asked for following information:

“The Honorable Information Commissioner has disposed of following 8 nos Appeals with the certain directions and orders for compliance after hearing on 23.09.2019 & decision given on 24.09.2019.

CIC/NDMCC/C/2018/106150

CIC/NDMCN/A/2018/110090

CIC/NDMCN/A/2018/130124

CIC/NDMCN/C/2018/132921

CIC/NDMCN/C/2019/109082

CIC/NDMCN/A/2019/110493

CIC/NDMCN/A/2019/110770

CIC/NDMCN/A/2019/114103

According to said orders, both the PIO/CBS and PIO/Civil was ordered to submit a Comprehensive report about the inspection carried out by the Appellant by 31.12.2019. Therefore, PIO is requested to made available the certified copies of the said comprehensive report submitted by both the PIOs in compliance of orders. If orders not complied with, then any action taken on defaulting PIOs as per provision under relevant RTI Act 2005, U/S 20.

2. A letter Dated 30.12.2019 addressed to Honorable Information Commissioner was sent through speed posts, and same was Diarised vide Diary No.100263 and Date 02.01.2020 Dak section of CIC office, for the noncomplying the orders of learned Information Commissioner as per details brought out in said letter. Therefore, PIO may please made available certified copies of Note Sheets and other relevant details for action taken on this submission.”

**Reply of CPIO:-**

2. Sh. R P Grover, CPIO, vide his letter dated 26.05.2020 provided following information to the appellant:

1. No report has been received from the both the PIO.
2. No action taken on your letter 29.12.2019.

Due to countrywide lock down office was closed for a month and there after open with limited staff, submission of RTI was delayed.

**Ground of First Appeal:-**

3. Aggrieved with the reply, sent by the CPIO, Sh. R. P. Grover, the Appellant has filed First Appeal stating that the CPIO has “Provided Incomplete, Misleading or False Information.” He further submits that:

“The CPIO reply dated 26.05.2020 to my request as above, is in nonconformity with the constitutional principles of public trust, reasonableness and fairness shows the anti-RTI attitude and demeanor was demonstrated by CPIO as senior functionary of the public authority who swear to the cause of fairness institution like

CENTRAL INFORMATION COMMISSION has failed to perform his statutory duty under the statute. It is indeed mortifying to note that the public authority which ought to be setting examples for other Public Authorities to follow in matter of RTI Act has lent itself such a disdainful scenario of the provisions of RTI Act, as incomplete reply furnished.

What is more appalling that CPIO did not take the cognizance of my RTI application, while dealing with the case, did not note the trail of the case, ignored the fact, have knowingly or unknowingly created a sheer mockery of the RTI Application and spirit of the RTI Act by creating a situation of impasse by their whimsical approach towards the RTI application. Therefore, reply furnished, not just indicates failure of individual officers but a colossal and baffling failure of the system within which the officers function.

In this regard, please refer to the High Court of Delhi in General Manager Finance Air India Ltd. & Anr. V/S Virender Singh, LPA No. 205/2012, Decided on: 16.07.2012 regarding the disclosure of information for public interest held:

8. The RTI Act, as per its preamble was enacted to enable the citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority. An informed citizenry and transparency of information have been spelled out as vital to democracy and to contain corruption and to hold Governments and their instrumentalities accountable to the governed. The said legislation is undoubtedly one of the most significant enactments of Independent India and a landmark governance."

**Decision with reasons:-**

4. On perusal of the Appeal, RTI application and the reply given by the CPIO, it is observed that the CPIO, in his reply, has provided pointwise information to the appellant. It has also been noted that in response to the query No. 2 of the RTI application, the CPIO has provided information regarding appellant's letter dated 29-12-2019, whereas the appellant has asked for information regarding action taken on his letter dated 30.12.2019. On inquiry, the CPIO has intimated that this was just a typographical mistake, which was not intentional and letter dated 29.12.2019 be read as letter dated 30.12.2019. Further, the reason of late responding to the request has already been addressed by the CPIO in his reply.

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 PIO is not supposed to create information that is not a part of the record. Hence the reply, given by the CPIO is as per the provision of Section 2(f) of RTI Act, 2005. Therefore, no further intervention is required on the part of the 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 – 12<sup>th</sup> 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 P Grover, CPIO & DO to IC (YS), CIC, New Delhi.