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

CICOM/A/P/20/00076
CICOM/R/P/20/00311

Name of the Appellant: Shri Shri Vincent Disouza
Pearl Colony, A/5.
1st Floor, Dr. B. A. Road, Dadar (E).
Mumbai, Maharashtra.

1.	Date of RTI application	07.07.2020
2.	Date of reply of the RTI application	14.08.2020
3.	CPIO (s) who furnished reply	Sh. Sitarama Murthy, CPIO & DR to IC-SC.
4.	Date of First Appeal application	21.08.2020
5.	Date of receipt of First Appeal application in office of the FAA	14.09.2020
6	Date of Decision	23.09.2020

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

The Appellant, by referring Second Appeal Order No. CIC/SH/A/2015/001243, dated 08.09.2016 asked for information against 8 points, under which information regarding provision of allowing an officer, below the rank of CPIO/FAA for representing the case on behalf of the public authority before CIC, copy of his letter of authorization, name of B.O. and Consumer Forum, comments/clarification of CPIO, CIC on the decision dated 08.09.2016, passed by the Commission in respect to his above Second Appeal, were asked for by the Appellant.

2. **Reply of CPIO.**

In response to the above RTI Application the CPIO, Shri R. Sitarama Murthy, DR to IC-SC responded each and every point of the RTI Application, wherein following information had been provided:

a &b. Your query in this regard is not clear. However, it is understood that you are seeking comments of the CPIO on the allowing of Chief Manager, who are below the rank of CPIO, by the then Hon'ble Information Commissioner to participate in the hearing on 08-09-2016. In this regard, you may refer the RTI Act for answers in this regard. CPIO is not required by RTI Act to offer his comments in such situation.

c. There is no such authorization letter produced by Chief Manager in our file.

d. You are seeking names of BO and Consumer Forum and comments of the CPIO on the contents of the order dated 08-09-2016 by the then Hon'ble Information Commissioner. Our file has no names of BO and Consumer Forum etc., to provide to you. Further the CPIO is not required by RTI Act to offer his comments on the orders of Hon'ble Information Commissioner.

e. You may go through the RTI Act and Rules for answers. CPIO is not expected to offer his comments/clarification.

f. In this para, you are asking whether Hon'ble Information Commissioner, proof was asked as to the kind of information/evidence provided to RTI appellant, copies were asked on record or provided by Bank's manager. In this regard, we have no information in our files to provide to you.

g. In this para, you are requesting the Hon'ble Information Commissioner to direct the bank to produce evidence/proof. This para does not seek any information rather, it seeks the Hon'ble Information Commissioner to act as requested, which is not within the parameters of RTI Act.

h. In this regard, we have no information in our file to provide to you.

3. Ground of First Appeal:

Aggrieved with the reply sent by the CPIO, the Appellant has filed First Appeal. However, from perusal of the First Appeal Petition, it is not clear that on which grounds this First Appeal has been filed by the Appellant.

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. Further, the PIO is not supposed to create or interpret information. Judgement of the Commission on a Second Appeal is quasi-judicial in nature and a CPIO is not competent to comment on that and it is not a part of his duties too. Hence, the information provided by the CPIO is factual and as per the provision of the RTI Act, 2005. Therefore, 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.

T 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. R. Sitarama Murthy, CPIO & DR to IC(SC), CIC, New Delhi.**

22/09/20