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

CICOM/A/P/20/00080
CICOM/R/P/20/00309

Name of the Appellant: Ms. Kiran Kumari Singh
Qr. No. 2363, Sector-4-D,
Bokaro Steel City (Jharkhand).
Pin – 827 004

1.	Date of RTI application	09.07.2020
2.	Date of reply of the RTI application	31.07.2020
3.	CPIO (s) who furnished reply	Sh. S. C. Sharma, CPIO-DR-IC(NG).
4.	Date of First Appeal application	26.08.2020
5.	Date of receipt of First Appeal application in office of the FAA	09.09.2020
6	Date of Decision	15.09.2020

1. Brief Facts of the case:-

The Appellant, through his RTI Application, asked for following information in respect to Second Appeal No. CIC/LS/A/2013/000320:

1. Photo copy of the reply submitted by Shri J. T. Kongari, AGM (Pers), SAIL in response to Show-Cause Notice dated 06.03.2013 u/s 20(1) of the RTI Act, 2005 issued by Central Information Commission, New Delhi in File No. CIC/LS/A/2013/000320.
2. Authenticated true copy of the Final Order, if any, passed in File No. CIC/LS/A/2013/000320 by Central Information Commission, New Delhi; which has never been supplied at the under mentioned address of the applicant till date.

2. Reply of CPIO.

In response to the above RTI Application the CPIO, Shri S. C. Sharma, CPIO-DR-IC(NG) provided following point-wise information to the Appellant:

1. As per the CIC retention policy, it is to intimate that the files retained for a period of 6 months. However, on perusal of scanned file (File No. CIC/LS/A/2013/000320) on the CIC 'appscom' system, it is seen that copy of reply of show cause is not available on record. Accordingly, the undersigned is unable to provide the information.

2. Copy of order in respect of appeal No. CIC/LS/A/2013/000320, is enclosed please.

3. Ground of First Appeal:

Aggrieved with the reply sent by the CPIO, the appellant has filed his First Appeal stating that the CPIO, against point No. 1, has supplied correct information because concerned CPIO Sh. J. T. Kongari, AGM (Pers.) did not submitted his reply to the Show Cause Notice, issued to him by the Commission and in that case why penal action should not be initiated against him under Section 20(1) of the RTI Act for delayed response to the RTI Application. Further, the Appellant has complained that "instead of supply of Final Order passed in File No. CIC/LS/A/2013/000320; the CPIO, Central Information Commission has supplied Authenticated copy of Show Cause Order dated 28.02.2013 passed by Shri M. L. Sharma.....so information supplied at point no. 2 is incomplete and incorrect."

4. Decision with reasons:

On perusal of the Appeal, RTI application and the reply, sent by the CPIO it is observed that the CPIO, in his reply, has intimated factual position of the case to the Appellant that as per the CIC record retention policy, files are retained for a period of 6 months in the Commission and whatever is available in the scanned copy of file No. CIC/LS/A/2013/000320, the desired copy of the reply of concerned CPIO is not available in that. Further, whatever decision is available in record, has been supplied by the CPIO. 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. Accordingly, further intervention on behalf of the FAA is not required in this matter.

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 – 15th September, 2020.

C. I. C./के० सू० आ०
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D. No.....
Initials.....

15/09/2020

(Meena Balimane Sharma)
First Appellate Authority
Tel: 26162290

Copy to:-

1. **Sh. Ram Kumar, CPIO, RTI Cell, CIC, New Delhi.**
2. **Sh. S. C. Sharma, CPIO-DR-IC(NG), CIC, New Delhi.**

17/09/20

17/9/20