

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

CICOM/A/P/20/00090
CICOM/R/P/20/00330-SC-188

Name of the Appellant: Dr. Chandrashekhar Datta
24 Ganpati Avenuc, Officer's Colony,
CLW, Chittaranjan, Distt.-West Burdwan,
West Bengal. Pin – 713 331


1.	Date of RTI application	21.07.2020
2.	Date of reply of the RTI application	20.08.2020
3.	CPIO (s) who furnished reply	Sh. R. Sitarama Murthy, CPIO & DR to IC-SC
4.	Date of First Appeal application	12.09.2020
5.	Date of receipt of First Appeal application in office of the FAA	09.10.2020
6.	Date of Decision	09.11.2020

1. Brief Facts of the case:-

The Appellant, through his RTI Application, giving reference of his two Second Appeals, nos. CIC/CBIND/A/2018/136909 & CIC/CBIND/A/2018/163596, which were heard by the Commission on 04.06.2020, asked for certified copies of decisions taken by the Commission, action taken on his representation dated 27.05.2020, sent in respect to the above Second Appeals and the information regarding action taken by the Commission on the decisions passed by higher courts of law (High Court of Karnataka & High Court of Calcutta) allegedly directing State Information Commissions to decide the appeal within 45 days, which are also applicable to Central Information Commissions in Appellant's opinion.

2. Reply of CPIO.

In response to the above RTI Application the CPIO, Shri R. Sitarama Murthy, DR to IC-SC, provided following information to the Appellant:

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1. "Certified copies of the Decisions in File No. CIC/CBIND/A/2018/136909 & CIC/CBIND/A/2018/163596 (for hearing held on 04.06.2020) are enclosed.
 2. In your representation dated 27.05.2020 you requested the Hon'ble Information Commission "to pass orders to provide all the information". After considering the submission of parties, perusal of records (including your representation dated 27.05.2020), the Commission has issued orders dated 17.06.2020 as mentioned in para 1 above. Other than this, this Registry/CPIO has no information on the action taken on your representation dated 27.05.2020.
 3. Transferred to CPIO, Law Section under Sec. 6(3) of RTI Act."

3. Ground of First Appeal:

The Appellant, in his First Appeal petition has stated that no reply against point no. 3(c) of RTI Application has been received from law section of CIC.

4. Decision with reasons:

On perusal of record it has been observed that the information against point no. 3(c) of the RTI Application has been sent to Appellant on 09.11.2020, by the CPIO, Sh. Sitarama Moorthy after getting it received u/s 5(4) of the RTI Act, 2005 after expiry of 30 days. It has been informed that due to the prevailing situation of COVID-19, minimal staff were coming to office and hence the applicant's application could not be transferred to the Law Section within the stipulated time causing the delay in reply.

However, it is observed that whatever information, as is available in record in respect to point no. 3(c), has been provided to the Appellant. It is worth mentioning that as per the provision of Section 2(f) of RTI Act, 2005 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 reply sent by the CPIO is factual and as per the provision of RTI Act, 2005. Hence no further intervention is required on behalf of the FAA 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 – 9th November, 2020.

MP Balimane
09/11/2020
(Meena Balimane Sharma)
First Appellate Authority
Tel: 26162290

Copy to:-

1. Sh. Ram Kumar, CPIO, RTI Cell, CIC, New Delhi.
2. The CPIO, Law Section, CIC, New Delhi.
3. The CPIO, Shri R. Sitarama Murthy, DR to IC-SC, CIC, New Delhi.

