

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

CICOM/A/P/20/00098
CICOM/R/P/20/00353

Name of the Appellant: Shri Tushar Kanti
CH-16, Jhingurdah, NCL,
Singrauli, PIN – 486 889

1.	Date of RTI application	22.06.2020
2.	Date of reply of the RTI application	17.08.2020
3.	CPIO (s) who furnished reply	Sh. R. Sitaram Murthy, DR to IC-SC
4.	Date of receipt of First Appeal application in office of the FAA	23.10.2020
5.	Date of Decision	16.11.2020

1. Brief Facts of the case:-

The Appellant, through his RTI Application, by complaining that the Second Appeal Order No. CIC/DOEXP/A/2017/148023 dated 02.08.2019 was not complied with by the concerned CPIO, asked for information against 10 points, wherein information related to action to be taken against the erring CPIO for not complying with the CIC's order, compensation to be paid to the appellant and penalty to be imposed by the CIC, opinion of CPIO on various issues related to the case and other related information were asked for.

2. Reply of CPIO.

In response to the above RTI Application the CPIO, Sh. R. Sitarama Murthy, DR to IC-SC, through his letter dated 15.09.2020 informed the Appellant that "action on your application dated 17.09.2020 provided following information to the Appellant:

1. "On this point, the RTI applicant is seeking comments of the answering CPIO on a question of law, which is not information in terms of Section 2(f) of RTI Act.
2. On your letter dated 17.03.2020, comments of Deptt. Of Expenditure has been sought. Matter will be considered after receipt of their comments. However, you are advised to upload a complaint of non-compliance on CIC's website/send a complaint of non-compliance by post, so that formal action can be initiated.
- 3,4,5,6,7,8,9 & 10: On these points, the RTI applicant is seeking comments of the answering CPIO on a question of law, which is not information in terms of Section 2(f) of RTI

Act. For any action to be taken by CIC, there should be a formal complaint of non-compliance. Please see point 2 above."

3. Ground of First Appeal:

Aggrieved with the reply, given by the CPIO, the Appellant, has filed this First Appeal. The Appellant has not made any specific complain regarding the reply given by the CPIO. He has only stated that the appellant is not satisfied with the reply of the CPIO.

4. Decision with reasons:

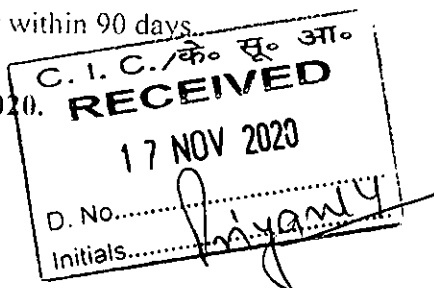
On perusal of Appeal, RTI Application and the reply sent by the CPIO, it is observed that the Appellant has not asked for any specific information within the meaning of 'information' as defined under section 2(f) of RTI Act, 2005. He has asked for certain queries in the form of clarification and opinion of CPIO in respect to Second Appeal Order no. CIC/DOEXP/A/2017/148023 dated 02.08.2019 and in respect to its compliance. He has also asked for some futuristic queries too. It seems that the Appellant is not satisfied with the compliance made by the concerned CPIO in respect to above Second Appeal Order. It is worth mentioning 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. The PIO is not supposed to create information that is not a part of the record. He is also not required to interpret information or furnished replies to the hypothetical and futuristic questions. Hence the reply given by the CPIO is as per the provision of the RTI Act. Therefore, no further intervention is required on behalf of the FAA in this matter.

However, If the appellant believes that the above second appeal order has not been complied with properly by the concerned CPIO, the applicant, if he wishes, can file non-compliance petition with proper ground to the concerned registry separately and can get appropriate relief.

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 - 16th November, 2020.



Meena Balimane
16/11/2020
(Meena Balimane Sharma)
First Appellate Authority
Tel: 26162290

Copy to:-

1. Sh. Ram Kumar, CPIO, RTI Cell, CIC, New Delhi.
2. The CPIO, Sh. R. Sitarama Murthy, DO to IC-SC, CIC, New Delhi. —

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12/11/20

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Refused
17.11