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

CICOM/A/P/20/00096
CICOM/R/P/20/00386

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

1.	Date of RTI application	11.08.2020
2.	Date of reply of the RTI application	07.09.2020
3.	CPIO (s) who furnished reply	Sh. B. S. Kasana, CPIO
4.	Date of First Appeal application	29.09.2020
5.	Date of receipt of First Appeal application in office of the FAA	23.10.2020
6	Date of Decision	02.11.2020

1. **Brief Facts of the case:-**
The Appellant, through his RTI Application, asked for following information:

3(a). "Kindly provide certified copy of information regarding action taken on my representation dated 17.07.2020 in File No. CIC/VS/A/2014/003907/BJ dated 26.12.2016 & CIC/ERAIL/A/2017/157914 dated 04.04.2019 & 26.08.2019 & till dated the information has not been provide. (copy attached).

3(b). Kindly provide certified copy of information regarding the penalty imposed & recommendation of disciplinary action under service rules u/s 18 & 20 of RTI Act, 2005 for not providing the information till date, even after deposition of fee, malafidely denying and returning back of my RTI application, not transferring my application u/s 6(3), using language in highly taunting & threatening tone with the applicant.

3(c). Kindly provide certified copy of information regarding compensation to the applicant u/s 19(8)(b)."

2. **Reply of CPIO.**

In response to the above RTI Application the CPIO, Shri B. S. Kasana, provided following information to the Appellant:

> 3(a). "The case was examined after getting your non-compliance application dated 17.07.2020.However, after having examined the case and having considered the CPIO's letter dated 24.09.2019, your letter dated 11.10.2019 and also CPIO's letter dated 21.12.2019, a considered decision was taken by the Hon'ble Information Commissioner and both of your cases have ben closed & intimation had already given to you vide letter no. CIC/ERAIL/A/2017/157914 dated 14.08.2020 & CIC/VS/A/2014/003907 dated 04.09.2020. (Copy attached as Annexure 'A' & 'B'.
>
> 3(b). No such action has been taken, as per record available.
>
> 3(c). No such action has been taken, as per record available."

3. **Ground of First Appeal:**

The Appellant, aggrieved with the reply sent by the CPIO, has filed this First Appeal stating that, "the demanded information has not been provided till date than how & when the respondents has complied with the orders, due to such negligence till date the information has not been provided to me even after paying the fee for certified copy of documents, rather it was returned after a long period."

4. **Decision with reasons:**

On perusal of the Appeal, RTI application and the reply sent by the CPIO, it is observed that the CPIO, Sh. B. S. Kasana has provided point-wise information to the Appellant, intimating him that his complaint case of non-compliance with the order of Commission in Appellant's above Second Appeals was closed after getting it considered in light of the submission made by the concerned CPIO. Therefore, no action in respect to imposition of penalty and recommendation of disciplinary proceeding have been taken in those matters. It is worth mentioning here 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. The PIO is not supposed to create information that is not a part of the record. Hence information provided by the CPIO is as per the provision of RTI Act, 2005. The Appellant in his First Appeal has not made any complain against the information provided by the CPIO, CIC, but he has questioned the decision taken by the Commission in respect to his non-compliance petition. Commenting on this is beyond the purview of RTI Act, 2005. Therefore, no intervention is required on behalf of the undersigned 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 – 2nd November, 2020.

02/11/2020

(Meena Balimane Sharma)
First Appellate Authority
Tel: 26162290

Copy to:-

1. **Sh. Ram Kumar, CPIO, RTI Cell, CIC, New Delhi.**
2. **The CPIO, Sh. B. S. Kasana, DR to IC-AP, CIC, New Delhi.**

05/11/20

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