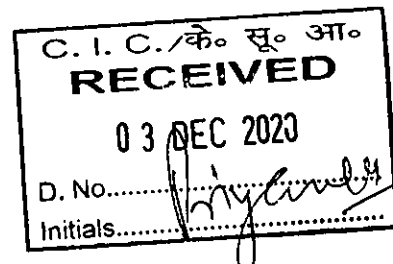


Central Information Commission
Baba Gang Nath Marg,
Munirka, New Delhi – 110 067

CICOM/A/P/20/00101
CICOM/R/P/20/00382

Name of the Appellant: Shri M. P. Tiwari
G-18, Saruta Vihar,
New Delhi – 110 076



1.	Date of RTI application	20.08.2020
2.	Date of reply of the RTI application	17.09.2020
3.	CPIO (s) who furnished reply	Sh. S. C. Sharma, CPIO-DR-IC(NG)
4.	Date of First Appeal application	29.09.2020
5.	Date of receipt of First Appeal application in office of the FAA	03.11.2020
6.	Date of Decision	01.12.2020

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

The Appellant, through his RTI Application, by giving reference of his Second Appeal No. CIC/POWER/A/2019/103698, which was disposed off by the Commission vide order dated 30.09.2019, asked for following information:

- The certified copy of written submission filed by the respondent (NTPC) which was taken on record by CIC without supplying the certified copy to appellant.
- The certified copy of MOU from respondent (CEA) which comprises the employment conditions of the employees, as the handing over and taking over was done through this MOU, which is binding on NTPC.
- The respondent (NTPC) falsely stated that -information available with respect to point 3 of RTI application has already been provided to appellant. The Govt. of India, MOP, CEA and NTPC Ltd. cannot make law. The Indian Parliament is only the Constitutional body to make Law. Therefore, the appellant once again requests the CIC to order MOP CEA and NTPC Ltd. to provide the certified copy of information of Point 3 of RTI application to appellant.
- The certified copy of report received from STPS that the amount accumulated in the GPF of appellant was credited into his EPF account.
- The certified copy of affidavits from respondent (NTPC) deposing that no records relating to information sought in point NO.1, 2 and 4 of RTI application is available with them.
- The certified copy of reasons for not issuing notice of hearing to EPF organization when the said EPF organization was made respondent in second appeal. No. CIC/POWER/A/2019/103698

o/c

- g. The certified copy of reasons for not issuing notice of hearing in Second Appeal no. CIC/NTPCO/A/2019/100605 M. P. Tiwari Versus The CPIO, NTPC Ltd.
- h. The certified copy of law, rules and regulation under which the order/decision of the Hon'ble Central Information Commissioner cannot be reviewed if there is no fault on the part of appellant and the circumstances beyond the control of CIC and appellant.
- i. The certified copy of GPF statement of year 1977, 1978 and 1979 as the discrepancy is pointed out by appellant and the case is subjudice in High Court. The postal order of Rs. 20/- is enclosed with this RTI application."

2. Reply of CPIO.

In response to the above RTI Application the CPIO, Sh. S. C. Sharma, DR to IC(NG) through his letter dated 17.09.2020 provided following point-wise information to the Appellant:

- a. As per the available file, the documents are not available in it.
- b. As above.
- c. The matter has already been decided by the CIC with specific directions to the CPIO and interpretation of orders/rules is not within the ambit of CPIO.
- d. A letter dated 20.09.2018, from GM (HR) Sh. D.S. Rao, addressed to you along with annexure, with reference to your letter dated 14.11.2017 regarding provident fund (GPF and EPF), as available in the file is enclosed please. However, you may, if interested, inspect the available file with mutually agreed time and time please.
- e. Copy of documents as available in file are enclosed please.
- f. No such information is available please.
- g. File No. is incomplete as mentioned in your RTI and information cannot be provided.
- h. No such information is available.
- i. No such information is available in the file.

3. Ground of First Appeal:

The Appellant, in his First Appeal petition, has mentioned that, "No response received within 30 days of submission of Application."

4. Decision with reasons:

On perusal of the Appeal, RTI application and the reply sent by the CPIO, it is observed that the RTI application of the Appellant dated 20.08.2020 was received in the Commission on 25.08.2020 and the reply was sent to the Appellant vide letter dated 17.09.2020, which is within the time mandated under the RTI Act, 2005. Hence, the Appellant's contention that no response has been received by him within 30 days is not true. Therefore, no 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 – 01 December, 2020.

[Handwritten signature]
01/12/20

[Handwritten signature]
01/12/2020
(Meena Balimane Sharma)
First Appellate Authority
Tel: 26162290

Copy to:-

1. Sh. Ram Kumar, CPIO, RTI Cell, CIC, New Delhi.
2. The CPIO, Sh. S. C. Sharma, DO to IC-NG, CIC, New Delhi.

[Handwritten signature]
3/12/2020