

CENTRAL INFORMATION COMMISSION

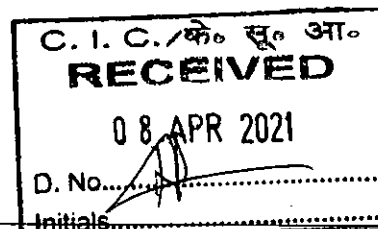
CIC Bhavan, Baba Gang Nath Marg.

Munirka, New Delhi – 110 067

CICOM/A/E/21/00049

CICOM/R/P/21/00018

Name of the Appellant: Shri Kamal Kishore Arora
1158, Bazar Kanak Mandi
Amritsar – 143006 (Punjab)



1.	Date of RTI application	22.12.2020
2.	Date of receipt of RTI application in RTI Cell/CPIO	06.01.2021
3.	Date of reply of the RTI application	02.02.2021
4.	CPIO (s) who furnished reply	Shri Ram Kumar
5.	Date of First Appeal application	22.02.2021
6.	Date of receipt of First Appeal in the office of FAA	09.03.2021
7.	Date of Decision	07.04.2021

I. Brief Facts of the case:-

The applicant sought information with respect to his second appeals No.CIC/CGPDT/A/2019/110851, CIC/CGPDT/A/2019/100133, CIC/CGPDT/A/2019/169937 and CIC/CGPDT/A/2019/105232 and also the information relating to Ms. Vanaja N.Sarna, IC, CIC, New Delhi. The information sought by the applicant and the reply/information furnished by Shri Ram Kumar, CPIO, RTI Cell, CIC are as under.

Sl.	Information sought by Applicant	CPIO Reply
a	Updated status of our representation dated 21.05.2020 and written submissions dated 19.05.2020 vide diary nos. 671012, 671014, 671015 & 671024 in continuation to the oral submissions dated 19.05.2020.	It is informed to you that the representation dated 21.05.2020 filed for the appeals (cited above) is linked to the e-book of the respective file nos. No remarks/noting has been made w/r to the said representation.
b	'Detailed-Particulars' of the specific provisions of the RTI Act 2005 while empowering the Ms. Vanaja N.Sarna, IC, New Delhi to pass some personal, adverse & derogatory comments/ remarks vide last paragraph of her impugned order dt.14.12.2020 (CIC/MOCMI/A/2019/ 117578	No such information is available on record. CPIO is not expected to interpret/ create information out of the verdict of a quasi-judicial authority. CPIO can only provide the information which exists on record and that too only on the administrative side of the system.
c	'Detailed-particulars' of the specific provisions of the Act, Ibid, while empowering Ms. Vanaja N. Sarna, IC to pass some personal, adverse & derogatory comments vide last paragraph of her impugned order dated 14.12.2020 in the matter of Appeal No. CIC/MOCMI/A/2019/ 117579.	Same as point No.(b)
d	Date of her such appointment in the CIC as well as her superannuation from the services:	The date of appointment of Smt. Vanaja N Sarna in CIC is 01.01.2019.
e	'Detailed Particulars' including inter alia the respective dates of her joining/assuming duties at different Posts in 'previous services', if any and under the Govt. of India or under the Govt. of State and/or under any statutory body prior to her appointment in the 'CIC'.	No such record is available in CIC.
f	'Detailed-Particulars' and 'valid reasons' of her transfers/appointments at different posts in different Departments at different times, if any and in the past years, prior to the date of joining the present post of IC.	No such record is available in CIC.

g	Quantum of salaries, allowances including inter alia TA, DA, and all other benefits etc. as being paid / given and as also having so far been paid/given to her.	It is informed that information sought in point 'g' is personal in nature, no public interest is involved. Accordingly, information is denied u/s 8(1)(j) of the RTI Act, 2005.
h.	Particulars of all of the 'assets' (PF, Gratuity, bank accounts, movable and immovable property/ies whether 'nami transactions' and 'benami transactions') in her personal name and also in the names of her spouse, parents, children, dependents and nears & dears, before and / or while joining / working as an IC and also the current status of all of her assets etc.	No such record is available in respect of the details as requested before joining as IC is available in CIC. However, the details of current status of immovable assets as on 01.01.2020 after joining CIC is available on our website mentioned under Chief ICs/ICs profile – declaration of assets.
i.	Total no. of all of the appeals & complaints (while specifically disclosing the exact no. of each & every appeal & complaint) as having so far been heard & disposed off by her while functioning as the IC along with respective well-reasoned & speaking orders' thereof.	You have sought the total number of all the appeals or complaints which have been heard and disposed of by the IC(VN). The information you have sought is available in public domain. You may see the hyperlink for orders passed by the IC i.e. https://dsscic.nic.in/cause-list-report-web/view-decision/1?page_length=200&fileno=&name=&frdate=&todate=&commissionname=8541&public_authority=&file_category=&decisiontypeid=&page=9
j.	Complaints, if any and as having so far been made by the person/s against her while serving as the IC and also while serving previously in different Govt. depts.	Complaints cannot be shared as it falls u/s 8(1)(j).

Provide Certified copies of		
i)	Aforesaid written submissions dated 19.05.2020 and aforesaid representations dated 21.05.2020.	You have sought the certified copies of the written submission dated 19.05.2020 and representations dated 21.05.2020 made by you. In this context, it is informed you that the Hon'ble Madras High Court in the case of PIO, Registrar (Admn.), Vs. CPIO, Rep. by its Registrar, having WP No.26781 of 2013 and MP No.1 of 2013 has held as under. "Insofar as query (i) is concerned, we fail to understand as to how the second respondent is entitled to justify his claim for seeking the copies of his own complaints and appeals. It is needless to say that they are not the information available within the knowledge of the petitioner; on the other hand, admittedly, they are the documents of the second respondent himself, and therefore, if he does not have copies of the same, he has to blame himself and he cannot seek those details as a matter of right, thinking that the High Court will preserve his frivolous applications as treasures/valuable assets. Further, those documents cannot be brought under the definition "information" as defined u/s 2(f) of the RTI Act."
ii)	All orders, note & note-sheets in respect of the aforesaid written submissions dated 19.05.2020 and aforesaid representations dated 21.05.2020.	It is informed to you that the representation dated 21.05.2020 filed for the appeals (cited above) is linked to the e-book of the respective file nos. No remarks/noting has been made w/r to the said representation.
iii)	Written submissions dated 12.12.2020.	See point no. J(i)

iv)	Videography of the concerned chamber of IC(VN) while showing the presence of Mr. Rajesh Ranjan, PIO, M/o Commerce & Industry during hearing via video conference at Amritsar.	No such record is available with the Registry of IC(VN).
v)	Documents in proof of her such appointment in the CIC as well as her superannuation from the services.	As per information already provided in point 'd'.
vi)	Documents in proof of the respective dates of her joining/assuming duties at different posts in previous services, if any and under the Govt. of India or under the Govt. of State and/or under any statutory body prior to her appointment in the CIC.	As per information already provided in point 'e' and 'f'.
vii)	Documents in proof of her transfers/appointments at different posts in different departments at different times in the past years, prior to the date of joining the present post of IC.	Same as point (vi) above.
viii)	Documents in proof of quantum of salaries, allowances including inter alia TA, DA and all other benefits etc as being paid/given and also as having so far been paid/given to her.	Same as information provided in point 'g'.
ix)	Documents in proof of all of her all of the 'assets' (PF, Gratuity, bank accounts, movable and immovable property/ies whether 'nami transactions' and 'benami transactions') in her personal name and also in the names of her spouse, parents, children, dependents and nears & dears, before and/or while joining/working as an IC and also the current status of all of the impugned assets.	As per information provided in point 'h'.
x)	Documents in proof of all of the appeals & complaints (while specifically disclosing the exact no. of each & every appeal & complaint) as having so far been heard & disposed off by her while functioning as the IC along with respective well-reasoned & speaking orders' thereof	See reply to point (i)
xi)	Complaints, if any and as having so far been made by the person/s against her while serving as the IC and also while serving previously in different Govt. depts.	Please see inputs given in J above.

II. Grounds for First Appeal:-

The appellant stated that he has received time-barred reply dated 02.02.2021 comprising arbitrary, evasive, strange, vague, baseless, wrong, biased, misconceived, irrelevant & contradictory statements and whimsical & unwarranted opinions, while without resorting to and/or appreciating the relevant provisions of the law as well as the purpose & scheme of the RTI Act *ibid*, purportedly with a view to give undue favour to the above-named Information Commissioner.

III. Decision with reasons:-

The First Appeal petition, RTI application and reply given by the CPIO have been examined.

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 or collect information that is not a part of the record.

As per decision of Hon'ble High Court of Delhi in the matter of Registrar of Companies & Ors vs. Dharemendra Kumar Garg & Ors [W.P.(C) 11271/2009], once information has been provided in public domain and on the website, the information is no longer held by or under the control of any public authority and hence, is no longer accessible as 'right to information'.

However, in view of the submissions made by the Appellant in his First Appeal, the CPIO is directed to revisit the replies of points (j), (v) and (xi) of the RTI application and give suitable reply as per the provisions of the RTI Act 2005, within 10 days from the date of receipt of this decision.

- IV. The appeal is being disposed of accordingly.
- V. 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 – 7th April, 2021.

Copy to:-

1. CPIO, RTI Cell, CIC.

Meena Balimane
07/4/2021
(Meena Balimane Sharma)
First Appellate Authority
Tel: 26162290

O/c

Encl:

Copy of First Appeal.