



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

CICOM/A/P/24/00095

CICOM/R/P/24/00245

Name of the Appellant:

Sh. Kulbushan Kumar Sharma

1.	Date of RTI application	29.05.2024
2.	Date of receipt of RTI application in RTI Cell of CIC	06.06.2024
3.	Date of reply of the RTI application	10.06.2024
4.	CPIO (s) who furnished reply	Sh. S.K. Chitkara (DR to CIC)
5.	Date of First Appeal application	24.07.2024
6.	Date of First Appeal application received in the office of FAA	02.08.2024
7.	Date of Decision	20.09.2024

Brief Facts of the case:-

1. The Appellant has attached details of with his RTI Application and sought the following information: -

1. Sh. Y.K. Sinha's Decision dated 25-11-2022 (copy enclosed) regarding the disposal of the Second Appeal No CIC/UTOJK/A/2021/138715 V/s The CPIO office of the D.C. Jammu, J&K. Provide detailed information in this regard as per record on file because the Web – Sites are mostly not updated.
2. Kindly provide me attested "Copies of Action taken" regarding my application dated 05-04-2023 to imitate Penal action for Non – compliance of Hon'ble CIC's Decision dated 09-07-2021 against the D.C. Jammu, J&K and others regarding the Second Appeal No 134165 V/s the PIO, Tehsildar Jammu North and the Second Appeal no. 134163 V/s The PIO, Tehsildar Bahu. Kindly provide detailed information in this regard as per record on file because Web – Sites are not updated.
3. Kindly refer Hon'ble Vanaja N.Sarna, Information Commissioner's Decision dated 29-03-2023 File No – CIC/CICOM/A/2022/134504 it is intimated that, "The Appellant is advised to send the copy of the non-compliance application to the CPIO, CIC within 5 days with proper acknowledgement in the form of Diary number. The final status of non – compliance shall be informed to the appellant thereafter by the CPIO within

30 days from the date of receipt of this order. The appeal is disposed of accordingly” So on receipt of this decision I submitted a copy of the non – compliance application Delhi on 12-10-2023 with 24 lvs. Copy enclosed. The Final status of non – compliance is not informed to me till date. Kindly provide me copy of final status of non – compliance of the Decision of the CIC dated 09-07-2021.

4. Kindly refer Sh. S.K. Chitkara, CPIO & Designated officer’s reply letter No. CICOM/R/P/2022/0001 0/2 dated 28-01-2022 in which it is intimated that “No Compliance has been received in the files No – CIC/UTOJK/A/2020/134165 and CIC/UTOJK/A/2020/134163. As such there is no further action in this regard etc” Kindly intimated me final Status of Non – Compliance of order of CIC dated 09-07-2021.

5. Kindly refer Sh. S.K. Chitkara, CPIO/Designated officer’s reply letter No - CICOM/R/P/2023/00459/1 dated 05-09-2023, in which it is intimated that “Point wise information is as under. Point 1 and 02. In this regard, it is intimated that action is being taken on non – compliance Complaint etc.”

It is pertinent to mention here that Point No – 01 is to reconsider the Hon’ble CIC Decision dated 25-11-2022 and Point No – 02 is to initiate Penal action for non – compliance of Hon’ble CIC” Decision dated 09-07-2021 copies enclosed.”

Kindly provide me in detail action taken by the CIC regarding Point No 1 i.e to Reconsider Decision dated 25-11-2022 and Point no 2 to initiate Penal action for non – compliance of Decision dated 09-07-2021 separately .

6. Kindly refer Sh. P.P.Grover, CPIO & Designated officer IC – HS reply letter No. CICOM/R/P/23/00446 dated 27-09-2023 in which it is intimated that “Second Part of RTI is related to registry of CIC and same is forwarded to the concerned CPIO along with the copy of the RTI for supply of information etc” No information is provided to me till date.

Kindly provide me detailed information regarding Point No 01 and Point no 2. It is pertained to mention here that Point no 1 is to “Reconsider the Hon’ble CIC Sh. Y.K. Sinha’s Blank Decision dated 25-11-2022 regarding 2nd Appeal No. 138715 V/s D.C. Jammu and Point no 2 is regarding non – compliance of CIC’s Decision dated 09-07-2021 regarding 2nd Appeal No – 134165 V/s SPIO, Tehsildar Jammu North and Second Appeal No 134163 v/s PIO, Tehsildar Bahu Jammu. Kindly, provide me detailed information regarding all the above mentioned Points.

Reply of CPIO’s:-

1. “Point 1, 2 and 5 - You have requested for reconsider the decision of the Commission dated 25.11.2022 in second appeals numbers CIC/UTOJK/A/2021/110622 and CIC/UTOJK/A/2021/138715. It is clarified that there is no provision under the RTI Act, 2005 to review the decision of the Central Information Commission.

Point 3 and 4 – No reply has been received from the DC, Jammu as per directions of the Commission in decision dated 09.07.2021 in second appeals numbers CIC/UTOJK/A/2020/134165 and CIC/UTOJK/A/2020/134163.

However, DC, Jammu has been requested vide letter dated 07.06.2024 to furnished the compliance report as per directions of the Commission dated 09.07.2021."

Ground of First Appeal:-

3. Aggrieved with the reply of CPIO's, the Appellant has filed First Appeal and stated that:

"CIC's Decision dated 25-11-2022 and Point No - 02 regarding Non - Compliance of CIC's Decision dated 09-07-2023. In this regard it is intimated that action is being taken on non - compliance complaint. Copy enclosed. See Point No - 5 of RTI Application dated 29-05-2024.

But Sh. S.K. Chitkara, CPIO in his reply - letter dated 10-06-2024 has intimated that Point 1, 2 and 5. You have requested for reconsider the decision of the Commission dated 25-11-2022 in Second Appeals no - CIC/UTOJK/A/2021/110622 and CIC/UTOJK/A/2021/138715. It is clarified that there is no provision under the RTI Act, 2005 to review the decision of the CIC. Copy enclosed. The subject matter is same but replies are contradictory."

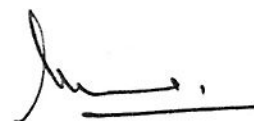
Decision with reasons:-

4. On perusal of the Appeal, RTI application and reply of the CPIO, it is observed that the information given by the CPIO is as per provisions of the RTI Act, 2005. Therefore, no further intervention is required on the part of FAA in the 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 - 20.09.2024



(Brig. Vipin Chakrawarti)
Registrar & First Appellate Authority
Tel: 011-26105021

Copy to:-

1. CPIO, RTI Cell, CIC, New Delhi for information.

Quick
23/09/24

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