

केन्द्रीय सूचना आयोग  
Central Information Commission

2 तल, विंग 'C' / 2<sup>nd</sup> Floor, 'B' Wing  
अगस्त क्रान्ति भवन / August Kranti Bhavan  
भीकाजी कामा प्लेस / Bhikaji Cama Place  
नई दिल्ली - 110066 / New Delhi - 110066

No. CICOM/R/2016/01187

Dated: 27.02.2017

To

DO to CIC(RK)	DO to IC(YA)	DO to IC(MP)
DO to IC(SH)	DO to IC(SA)	DO to IC(BJ)
DO to IC(SB)	DO to IC(DP)	DO to IC(AB)
PA to Secy, CIC	PA to AS, CIC	JS(Admin)
JS(Law)	JS (P&B)	JS(MR)
Registrar	DS(Admin)	DS(GA)
SO(Admin)	SO(GA)	SO(Law)
SO(MR)	Incharge, Record Room	DR to CR - I

**Sub: Compliance of FAA Order No. CIC/AA/A/2017/61 dated 22.02.2017.**

Sir/Madam,

Shri R. K. Jain had submitted an application under RTI Act, 2005 and sought information from CIC (copy of RTI application is enclosed).

The RTI application was forwarded to several officers and sections to get requisite reply. However, the information was not available with any of them. Accordingly, Shri R. K. Jain was informed all the position and Shri Jain had filed an First Appeal and the First Appellate Authority vide his order no. CIC/AA/A/2017/61 dated 22.02.2017 has directed the **"The CPIO, RTI Cell to search the above mentioned case file with the assistance of all concerned and provide information as sought in the RTI application to the appellant within 4 weeks from the date of receipt of the order."**

In view of the direction of the First Appellate Authority all the officers are requested to see whether the files mentioned in the order of Hon'ble Information Commissioner, Shri M. L. Sharma are available in their registry / section and also locate the papers relating to the compliance of the said order.

This information may kindly be forwarded to the RTI Cell latest by 03.03.2017 positively failing which it will be assumed that no information is available with them.

Encl: As above

(Ashok Kumar Sharma)  
CPIO (RTI Cell)

Copy to:

- 1 PA to FAA, (w.r.t. Order no. CIC/AA/A/2017/61 dated 22.02.2017).
- 2 Shri R. K. Jain  
1512 - B, Bhishm Pitamah Marg  
Wazir Nagar  
New Delhi - 110 003

No such file is available in this

(Ashok Kumar Sharma)  
CPIO (RTI Cell)

Section

जनरल  
नॉट्ररी

Genl. Administration

for  
27/2/17

Central Information Commission  
2<sup>nd</sup> Floor, 'B' Wing, August Kranti Bhawan,  
Bhikaji Cama Place, New Delhi-110066.

CIC/AA/A/2017/61  
CICOM/A/2017/00055  
CICOM/R/2016/01187

Name of the appellant : Shri R.K. Jain,  
1512-B, Bhishm Pitamah Marg, Wazir Nagar,  
New Delhi-110 003.

1.	Date of RTI application	31.08.2016
2.	FAA's Order	09.01.2017
3.	CPIO(s) who complied FAA's Order	CPIO(RTI Cell), Deemed CPIOs and Consultant/CPIO(MR)
4.	1 <sup>st</sup> Appeal No. & Date	16671 dt. 14.02.2017
5.	Diary No. of 1 <sup>st</sup> Appeal of the Dak Section	109666
6.	Diary date of the Dak Section	14.02.2017
7.	Diary date of 1 <sup>st</sup> Appeal in the office of FAA	15.02.2017
8.	Date of Hearing	20.02.2017

The appellant was present when Shri Jeewan Chandra, Consultant/CPIO(MR) was also present.

**Decision with reasons:-**

2. During the hearing, the appellant has stated that Shri Ashok Kumar Sharma, CPIO(RTI Cell) and the deemed CPIOs have failed to provide complete and correct information as sought by the appellant within the specified period despite of Registrar & FAA's Order dated 09.01.2017 in which direction was given to the respondent to revisit the matter. Shri Jeewan Chandra, CPIO(MR) by his order dated 24.01.2017 has denied the availability of the information.

3. The appellant further submitted that the appellant has sought information regarding the compliance to the specific directions issued vide CIC order No.CIC/LS/A/2012/002248 dated 29.05.2013 and others to the Director & Jt. Registrar of the CIC, to fix the responsibility of the concerned CPIO and take appropriate action against the CPIO in six weeks. In case the order of the CIC is not applied with, such information should have been provided, but it cannot be denied on account of non-availability. Therefore, the order of the CPIO is liable to be set aside with direction to provide point-wise information to the appellant within time bound frame.



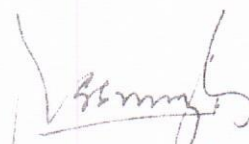
[ 2 ]

4. From the perusal of the submissions made by the appellant during the hearing and decision of the Registrar & FAA dated 09.01.2017, it is observed that the above mentioned case file is not found at yet and in the absence of the case file, information as sought in the RTI application, could not be provided to the appellant. It is also observed that the case No. CIC/LS/A/2012/002248 was decided with other cases in a single order, so the said case file may be available with other case files. **Direction, in this regard is given to Shri Ashok Kumar Sharma, CPIO, RTI Cell to search the above mentioned case file with the assistance of all concerned and provide information as sought in the RTI application to the appellant within 4 weeks from the date of receipt of the order.**

5. The appeal is, therefore, disposed off accordingly.

6. In case the appellant is aggrieved by the decision, he is free to file second appeal, if he so desires, before the CIC in Room No.185, Ground Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066 against this order within 90 days.

Dated the 22<sup>nd</sup> February, 2017



( Rakesh Kumar Singh )  
Additional Secretary & First Appellate Authority  
Tel: 26162290

Copy to:-

1.  
22/02/17

Shri Ashok Kumar Sharma, CPIO, RTI Cell, CIC, New Delhi.

CICOM/R/16/01187

Application under Section 6 of the Right to Information Act, 2005

Ref. No. : RTI/P-344/10150/16

Dated : 31-8-2016

10

Central Public Information Officer  
Central Information Commission  
2nd Floor, 'B' Wing,  
August Kranti Bhavan,  
Bhikaji Cama Place,  
New Delhi - 110066

CIC-1

167937  
31/8/16

1.	Name of the Applicant	R.K. Jain
2.	Address	1512-B, Bhishm Pitamah Marg Wazir Nagar New Delhi-110003
	(b) Phone Nos.	09810077977, 011-24651101, 011-24690707
	(c) Fax No.	011-24635243
3.	Whether a Citizen of India	Yes
4.	Particulars of Information	
	Details of information required	(A) As per CIC Order dated 29-5-2013 in Appeal No. CIC/LS/A/2012/002248 & Ors. <b>(copy enclosed)</b> has directed the then Nodal CPIO to determine the responsibility of the concerned CPIO for appropriate action against him in six weeks' time. In this respect, please provide the following information.  (i) Please provide the file No. in which the action has been taken as directed in para 4 of the aforesaid order.  (ii) Please provide the details of the compliance to the aforesaid order by the Nodal CPIO and details of the action taken in the matter.  (iii) Please provide the details of the CPIO on whom the responsibility has been fixed and action taken in the matter.  (iv) Please provide copies of all the notesheets and records from which the information in point (i) to (iii) is provided.  (B) Please provide copies of all the documents contained in the appeal file Nos. referred to in the aforesaid orders subsequent to 29-5-2013.  (C) Please provide the information as to the compliance of the directions given in the last sentence of para 4 of the aforesaid order.

RTI  
Information  
may be  
affaird  
from  
SS(Admin)  
DS(Admin)  
SS(MR)  
ADD  
Registrar  
man 5(M)  
48m

	<b>Note:-Please provide pointwise information / response for each of above points.</b>
5.	I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 and to the best of my knowledge it pertains to your office. Information is being sought in larger public interest.
6.	A Postal Order No. 37F 967563 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.
7.	As per Section 7 of the RTI Act, 2005 information is to be provided <b>within 30 days of the Application.</b>

  
Signature of Applicant  
Telephone No. : 9810077977  
011-24651101, 24690707  
Fax No. 011-24635243

Place : New Delhi

Encl. : as above

Hira/  
HR



**Central Information Commission**  
Room No. 308, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066

File No: CIC/LS/A/2012/002248  
File No: CIC/LS/A/2012/002316  
File No: CIC/LS/A/2012/002362  
File No: CIC/LS/A/2013/002373  
File No: CIC/LS/A/2013/002731  
File No: CIC/LS/A/2013/000061  
File No: CIC/LS/A/2013/000558  
File No: CIC/LS/A/2013/000559  
File No: CIC/LS/A/2013/000560

Appellant : Shri B. Parmeshwar  
Public Authority : Central Information Commission  
Date of hearing : 29.05.2013  
Date of Decision : 29.05.2013

**FACTS :**

Heard today dated 29.05.2013. Appellant not present. CIC is represented by Shri Pankaj K.P. Shreyaskar, Director & Joint Registrar and Shri D.C. Singh, Dy Registrar. The above cited appeals filed by the appellant are being disposed of through a common order that follows.

2. The matter, in short, is that the appellant is a dismissed employee of National Institute of Rural Development (NIRD), Hyderabad. He had filed a number of appeals before the Commission which were disposed of from time to time. Subsequent thereto, he had filed non compliance complaints in regard to these appeals. Vide letter dated 17.05.2010, Shri M.C. Sharma, Dy Registrar had informed the appellant that his non compliance complaints in the following appeals were put up before the concerned Information Commissioner and the latter had taken the view that his order has been complied with by the CPIO of NIRD. These appeals are listed below :-

1. 722/IC(A)/2007
2. 735/ICA/2007
3. 1142/IC(A)/2007
4. 1793/IC(A)/2007
5. 2556/IC(A)/2008
6. 3589/IC(A)/2009
7. 3680/IC(A)/2009
8. 4037/IC(A)/2009
9. 4107/IC(A)/2009

3. The appeals cited above as subject (minus appeal No. 002373) centre around the non compliance complaints filed by the appellant. I have carefully

gone through the material on record. I have also heard the officers named above. Suffice to say that non compliance complaints are required to be filed before the concerned IC. The CPIO of this Commission can not take any action on such complaints. It is, however, his duty to bring such non compliance complaint to the notice of the IC concerned. This has happened in the present case and, as noted above, the concerned IC has rejected the non compliance complaints by holding that his order have been duly complied with by the CPIO of NIRD. In view of the above all these appeals must fail. Dismissed.

File No:CIC/LS/A/2012/002373

4. Vide RTI application daed 20.04.2012, the appellant had sought information on 11 paras from the CPIO of this Commission, viz. copy of duty charter and administrative and financial powers delegated of the CPIO of this Commission; copy of the duty charter and administrative and financial powers of FAA of CIC and so on. Para wise information was provided to the appellant by Shri S.K. Rabbani, Dy Registrar (CPIO) vide letter dated 26.09.2012. During the hearing it transpires that this information was sent to the appellant in compliance with FAA's order dated 28.08.2012. It is quite clear from the above that CPIO had not responded to the RTI application at all. It is also evident that FAA's order of 28.08.2012 was complied with only on 26.09.2012 i.e. after a gap of three months. Non response by the CPIO and unduly delayed compliance of FAA's order can not be countenanced. In the premises, Shri Shreyaskar is hereby directed to determine the responsibility of the concerned CPIO for appropriate action against him in 06 weeks time.

Sd

( M.L. Sharma )  
Information Commissioner

Authenticated. Additional copies of the order shall be supplied on application and payment of fees, as per RTI Act, to the CPIO of the Commission.

(K.L.Das)  
Dy Registrar

Address of the Parties :-

(1)The CPIO,  
Central Information Commission,  
New Delhi.

(2) Shri B. Parmeshwar, Res: 5-4-89, Bhavani  
Colony, Premavathipera, PO Rajendra  
Nagar, Hyderabad - 50 00 30.