

केन्द्रीय सूचना आयोग

Central Information Commission

2 तल, विंग छ / 2nd Floor, 'B' Wing

अगस्त क्रान्ति भवन / August Kranti Bhawan

भीकाजी कामा प्लेस/ Bhikaji Cama Place

नई दिल्ली . 110066 / New Delhi – 110066

[Right to Information – Section 19(1)]

CIC/AA/A/2013/111

Dated: 8th May, 2013

CIC/CPIO/2013/1838

Name of the Appellant: Shri C.J. Karira

Plot No. 26, Road No. 1

Balamrai Society, Mahendra Hills

Secunderabad - 500026

Facts & Background:-

1. Shri C.J. Karira filed RTI application dated 23rd November 2011, diarized in the Commission on 27th November 2012. Shri Pankaj K.P. Shreyaskar, Director & Nodal CPIO, responded to the same vide his letter dated 19.12.2012.

2. Being aggrieved by the reply of the CPIO, the appellant filed first appeal dated 10.01.2013, diarized in the Commission on 17.01.2013, which was disposed of vide order no. CIC/AA/A/2013/20 dated 25.02.2013, giving directions to the Nodal CPIO, who in compliance to the order of the First Appellate Authority replied to the appellant vide his letter dated 11.03.2013. Now, being again aggrieved by the reply of the CPIO, the appellant has again filed first appeal dated 23.03.2013, diarized in the Commission on 01.04.2013, received in the office of First Appellate Authority on 02.04.2013. Therefore, the appeal was fixed for hearing on 25th April 2013 at 11.30 a.m. However, the appellant was heard over phone on 02.05.2013. The CPIO was separately heard in this matter. The appellant main concern is that he has not got the information with respect to his first query which reads as under:-

*“The following details of Monthly Disposal of cases for **each month** from May 2012 to October 2012 (both inclusive):*

- *Month/year*
- *Opening Balance*

- *Receipt*
- *Disposal*
- *Closing Balance*
- *Cumulative disposal*"

In the Appeal Memo dated 23.03.2013 fresh first appeal filed after the disposal of the previous first appeal on 23.02.2013, wherein directions were given to CPIO regarding hosting fresh data on the website and communication of figures to the appellant. In the Appeal Memo, the objection of the appellant is that he has not got the information as originally sought in his RTI application and what has been given by way of compliance is a letter dated 11.03.2013 which does not provide him information which he had sought vide RTI application dated 23.11.2011.

Decision and Reasons

The matter was heard on telephone and was also discussed with the CPIO. The appellant in its present first appeal dated 23.03.2013 has categorically said that he has not received information regarding monthly disposal of cases in the manner as is asked in his original RTI application dated 23.11.2011, for which the CPIO had given replies through which the information seeker has not been able to get the information as he originally sought.

However, while discussing the matter, the CPIO objected to the fact that appellant had again filed a first appeal. The CPIO was of the opinion that once first appeal has been decided and compliance is done, then in case the appellant is not satisfied, he should go in second appeal. It is hereby clarified that the role of the CPIO and the First Appellate Authority of the Central Information Commission is to ensure that the Commission as a Public Authority provides necessary information as is sought by the information seeker under the Right to Information Act. To meet this end, if another first appeal is filed and is adjudicated upon, there should be no objection on this account as it will only facilitate flow of information.

Moreover, it has to be appreciated by the CPIO that that information as sought by the information seeker has still not been provided and the appellant has not been able to access the same despite the assurance/clarification given by the CPIO in his reply dated

11.03.2013. In the event, queries in the RTI application remain unanswered. Further, a plain reading of section 19(1) of the RTI Act would make it abundantly clear, that as long as information is not received by the appellant, the mischief of section 19(1) remains. The matter rests with the appellant to choose a legal remedy and doctrine of res-judicata would not apply as long as the information as sought by the appellant is not provided.

Further, a constructive reading of section 19(7) which reads as:-

“The decision of the Central Information Commission or State Information Commission, as the case may be, shall be binding.”

The said section makes it abundantly clear that it is applicable only to the Commission and not to the First Appellate Authority. Thus, the objection raised by CPIO regarding another first appeal filed is not sustainable as long as a precise point-wise reply giving ‘information’ as sought by the appellant is not provided to him. It is also a matter of concern that while the CPIO, who is also responsible for data management in the Commission, and is fully aware and seized with the fact that it takes at least an year for a case to come up for hearing is raising objection on filing of another appeal before the First Appellate Authority. Thus, instead of providing necessary information here and now and bring litigation to a halt, the CPIO wants to burden the Commission with yet another appeal, where there is already a huge pendency of which CPIO himself is acutely aware of.

Therefore, **Shri Pankaj K.P. Shreyaskar, Director & Nodal CPIO therefore, is directed to give precise reply whether information sought in the mode and manner as sought in the RTI application dated 23.11.2011 is made accessible. If accessible, on our website, then a copy of the same may be provided to the appellant within 10 working days of the receipt of this order.**

3. With these remarks, the appeal is disposed of.
4. The appellant may prefer an appeal u/s 19(3) of the RTI Act, 2005 before the Central Information Commission, Room No. 326, 2nd Floor, ‘C’ Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi – 110 066 against this order within 90 days, if he so desires.

Date, the 8th of May 2013


(Tarun Kumar)
Joint Secretary and
First Appellate Authority
Central Information Commission

Copy forwarded to:-

1. Mr. Pankaj K.P. Shreyaskar, Director & CPIO, **with a direction to comply with the order.**
2. Mr. Paul Arokianathan S. Scientist-D, NIC- with a request to place it on the web site.

— Sd —
(Tarun Kumar)
Joint Secretary and
First Appellate Authority
Central Information Commission