

SP 6497

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CENTRAL INFORMATION COMMISSION
Room No. – 308, 2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110066.
Website: cic.gov.in

File No. CIC/SS/A/2013/000719/KY

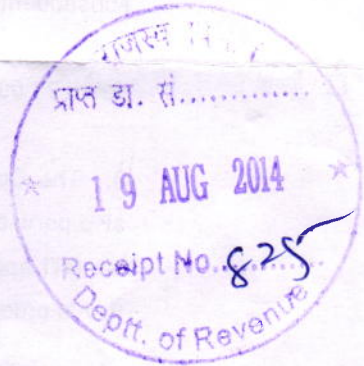
Appellant : Shri Madhusudan Pathak
O/o. the Supdt. (Preventive)
Preventive & Intelligence Cell,
Chhotisadari Road, Pratapgarh, Rajasthan

Public Authority : The CPIO
Dept. of Revenue, Room No. 267-D
North Block, New Delhi

Date of Hearing : 08.08.2014
Date of Decision : 08.08.2014

Presence:

Appellant : Absent
PIO : Sh. T K Satpathy, Under Secretary, & CPIO



FACTS:

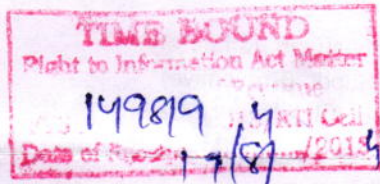
1. Vide RTI application dated 16.05.2011 the Appellant sought information on the **3 issues**.
2. CPIO, vide its response dated 09.06.2011 & 12.07.2011, allegedly not provided the information to the appellant.
3. The First Appeal (FA) was filed on 17.08.2011 as the desired information was not provided
4. First Appellate Authority (FAA), vide its order dated 21.09.2011, rejected the appeal as appeal was not filed within limitation period.
5. Grounds for the Second Appeal filed on 21.09.2012, are contained in the Memorandum of Appeal.

HEARING

Appellant opted to be absent despite of our due notice to him. Respondents appeared before the Commission personally and made the submissions at length.

DECISION

It would be seen here that the appellant, vide his RTI Application dated **16.05.2011**, sought information from the respondents on **three issues** as contained therein. Respondents vide their responses dated **09.06.2011 & 12.07.2011**, allegedly not provided the required information to the appellant on all three issues. Being aggrieved by the aforesaid response, FA was filed by the appellant on **17.08.2011** before the FAA, who vide his order dated **21.09.2011**, upheld the decision of CPIO. Hence, a **Second Appeal** before this Commission.



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2. It is pertinent to mention here that the CPIO, vide his first response dated **09.06.2011**, not provided the complete required information to the appellant against issue no. 1. However, against issue no. 3, the required information was **denied** to the appellant. Further, CPIO vide his subsequent response dated **12.07.2011**, **transferred** the appellant's RTI Application, against issue no. 2, to the concerned CPIO for necessary action. However, learned FAA, vide his order dated **21.09.2011**, **rejected** the FA on a technical ground i.e. as a **time barred**.

3. The Commission heard the submissions made by respondents at length. The Commission also perused the case-file **thoroughly**; specifically, **nature of issues** raised by the appellant in his RTI application dated **16.05.2011**, respondent's responses dated **09.06.2011 & 12.07.2011**, FAA's order dated **21.09.2011** and also the grounds of memorandum of second appeal.

4. The Commission is of the considered view that the appellant has been provided the required information by the respondents against **issues no. 3 only** in terms of **Section 2(f) of the RTI Act 2005**. However, respondents **failed to provide** the required information to the appellant against **issues no. 1 & 2** of the RTI application dated **16.05.2011**. In view of this, the Commission feels that the appellant's second appeal deserves to be allowed partially i.e. **against issues no. 1 & 2** of the RTI application. Therefore, it is **allowed accordingly**.

5. In view of the above, the respondents are hereby directed to provide the **complete and categorical** information, **against issues no. 1 & 2 only**, to the appellant, within 30 days from the date of receipt of this order under intimation to this Commission. **If need be, Section 5(4) of the RTI Act 2005 be also invoked in the matter.**

The Appeal is disposed of accordingly.

Sd/-
(M.A. Khan Yusufi)
Information Commissioner

Copy of this Decision be given free of cost to the parties.

Authenticated true copy

(K. L. Desai)
Deputy Registrar

The CPIO
Dept. of Revenue, Room No. 267-D
North Block, New Delhi

Shri Madhusudan Pathak
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