

# CENTRAL INFORMATION COMMISSION

Room No. – 308, 2<sup>nd</sup> Floor, August Kranti Bhawan,  
Bhikaji Cama Place, New Delhi – 110066.  
Website: cic.gov.in

File No. CIC/YA/C/2014/000020/KY

Complainant : Shri Abhishek Tripathi  
S/o. Shri Girijesh Tripathi  
A. No. 109, MaltiKunj, Balaji Nagar  
Extn. Colony, Samneghat Nagwa Lanka  
Varanasi, Uttar Pradesh-221005

Public Authority : The CPIO  
Ministry of Science and Technology  
Council of Scientific & Industrial Research,  
Anusandhan Bhavan, Rafi Marg, New Delhi-110001

Date of Hearing : 07.09.2016

Date of Decision : 07.09.2016

## Presence:

Complainant : Shri Abhishek Tripathi, **Heard Telephonically**  
CPIO : Ms. Beena Sequaira, Under Secretary and  
Shri J S Menon Section Officer & APIO

## FACTS:

- I. Vide RTI application dated **01.07.2013**, the Complainant sought information on **8 issues**.
- II. CPIO, response is not on record.
- III. The First Appeal (FA) was filed on **15.10.2013**, as desired information not provided.
- IV. First Appellate Authority (FAA), is not on record
- V. Ground for the Complaint filed on **01.11.2013**, are contained in the Memorandum of Complaint.

## HEARING

Complainant was heard telephonically (Phone No. 09835636485). Respondents appeared before the Commission **personally** and made the submissions at length.

## DECISION

At the outset, it is stated here that as per the contents of the so called complaint, **it is a case of second appeal**. However, the Central Registry registered it **wrongly as a complaint for the reasons best known to them**. Thus, it is being dealt with as **second appeal** and not as complaint.

2. It would be seen here that the appellant, vide his RTI Application dated **01.07.2013**, sought information from the respondents on **8 issues**. However, respondents **failed to furnish** any response to the appellant. Being aggrieved with the aforesaid PIO's **inaction**, appellant filed his FA on **15.10.2013** before FAA, who **could not take up** the same for its disposal **for the reasons best known to him**. Further, respondents vide their letter dated **23.10.2013**, has **transferred** the appellant's FA to the concerned Authority for taking necessary action. Hence, a Second Appeal before this Commission.

3. On being queried by the Commission, as to whether respondents have provided the required information to the appellant on his RTI application dated **01.07.2013** and learned FAA has disposed of the first appeal dated **15.10.2013** filed by the appellant under **section 19(1) of the RTI Act 2005** or not. On this very aspect, it is admitted by Ms. Beena Sequaira, Under Secretary, that neither appellant's RTI application dated **01.07.2013** was responded by the respondents nor FA dated **15.10.2013** was disposed of by learned FAA. However, Ms. Beena Sequaira, Under Secretary, is not in position to give any **plausible reasons** in this regard except the **lame excuses**. It also shows that officer of CSIR has been acting at his **whims and fancies** and not in accordance with the law.
4. The Commissioner heard the submissions made by appellant as well as respondents at length. The Commission also **perused** the case-file **thoroughly**; specifically, **nature of issues** raised by the appellant in his RTI application dated **01.07.2013**, other material made available on record and also the grounds of memorandum of second appeal.
5. The Commission is of the considered view that the appellant has been **deprived** by the respondents **deliberately** from having the benefits of the RTI Act 2005, **even after lapse of more than thirty-seven months period**. Thus, the respondents **have defeated the very purpose** of the RTI Act 2005 for which it was legislated by August Parliament of India. As such, the Commission feels that it would be appropriate and even justified to allow the appellant's **second appeal in toto instead of remanding back to learned FAA for disposal of FA which is even more time consuming**. Therefore, it is allowed in toto.
6. In view of the above, the respondents are hereby directed to provide the **complete & categorical** information, **issue-wise**, to the appellant as per his RTI application, **in accordance with the provisions of RTI Act 2005**, 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 may also be invoked in the matter.**

The Appeal is disposed of accordingly.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)  
Deputy Secretary

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