

CENTRAL INFORMATION COMMISSION

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

File No. CIC/RM/C/2014/000046/KY

Complainant : Shri S. Sankar Ganesh
Plot No. 34, (Upstairs), R. R. Nagar
1st Street, Iyyappanthangal, Chennai-600056

Public Authority : The CPIO
M/o. Textiles O/o. the Director (South Zone), Weavers Service
Centre, C.I. B. RajajiBhavan, Besant Nagar, Chennai-600090

Date of Hearing : 08.09.2016
Date of Decision : 08.09.2016

Presence:

Complainant : Absent
CPIO : Shri V K Hariprasad, Deputy Director & CPIO

FACTS:

- I. Vide RTI application dated **13.01.2012**, the appellant sought information on **8 issues**.
- II. CPIO, vide its response dated **24.04.2012**, has provided the part information to the Appellant and allowed for the inspection.
- III. The First Appeal (FA) is not on record.
- IV. First Appellate Authority (FAA), is not on record.
- V. Grounds for the Complaint filed on **16.12.2013**, are contained in the Memorandum of Complaint.

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

At the outset, it is stated here that as per the contents of the prayer clause, as embedded in the instant petition, **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 **13.01.2012**, sought information from the respondents on **2 issues**. Respondents vide their response dated **24.04.2012**, allegedly provided the part information to the Appellant and also

requested the appellant to have the inspection of the relevant records and pin point the required documents of which the photocopies are needed.

3. Being aggrieved by the aforesaid response, appellant **miserably failed** to avail the **efficacious and alternate legal remedy** existed under the RTI Act 2005 i.e. to file First Appeal under **section 19 (1) of the RTI Act 2005** before the Learned FAA but rather he filed a Second Appeal directly before this Commission **without exhausting the alternate remedy** mentioned above and available to him.
4. In view of the **position** above and in the **circumstances** of the case, the Commission feels that it would be **appropriate and even justified** to direct the appellant to avail the **efficacious and alternate legal remedy** available to him by filing the **first appeal**, before the learned FAA for its adjudication. Thus, **ordered accordingly**. The appellant is further granted a liberty to move a second appeal before this Commission, in case, he is not satisfied with the decision of the FAA on the FA.

The Appeal is disposed of accordingly.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)
Deputy Secretary

The CPIO
M/o Textiles
O/o. the Director (South Zone),
Weavers Service Centre,
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