

CENTRAL INFORMATION COMMISSION

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066

Decision No. CIC/SB/C/2015/000065

Dated 17.10.2016

Complainant : Shri Ram Sewak,
B-218, 1st Floor,
West Patel Nagar,
New Delhi-110008.

Respondent : The Central Public Information Officer,
Central Information Commission,
2nd Floor, B-Wing,
August Kranti Bhawan,
Bhikaji Cama Place,
New Delhi-110 066.

Date of Hearing : 17.10.2016

Relevant dates emerging from the complaint:

RTI application filed on : 09.06.2015

CPIO's reply : 28.07.2015

Complaint filed on : 30.10.2015

ORDER

1. Shri Ram Sewak filed an application dated 09.06.2015 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Central Information Commission (CIC) seeking (1) action taken report on his complaint dated 12.02.2014 against Order passed in Appeal No. CIC/SS/A/2013/001170/VS/05933 dated 31.01.2014 and (2) action taken report regarding his complaint received by the Prime Minister's Office on 13.02.2014 against CIC Order dated 31.01.2014 and forwarded by the PMO to Under Secretary (IR), North Block, New Delhi.

2. Shri Ram Sewak filed a complaint dated 30.10.2015 before the Commission on the grounds that neither the CPIO provided the information nor the First Appellate Authority (FAA) decided his appeal. The complainant requested the Commission to direct the concerned CPIO to provide the information on point Nos 1 & 2 after inspection of records and impose penalty on the CPIO for flagrant violation of the RTI Act.

Hearing:

3. The complainant Shri Ram Sewak and the respondent Shri A.K. Sharma, CPIO (RTI), CIC were present in person.

4. The complainant submitted that he has moved an application dated 14.10.2015 addressed to the Hon'ble Chief Information Commissioner that the complainant will not get a fair hearing before Shri Sudhir Bhargava, Information Commissioner. Hence, his appeal may be heard by some other Information Commissioner.

Interim Decision:

5. The Commission heard the submissions of the complainant and perused the records. The Commission observes that though there is no basis for the complainant's apprehension that he would not get justice, I am of the considered view that in the interest of fair play and natural justice, I should recuse myself from hearing this complaint pertaining to the complainant because justice should not only be done but also seen to be done. Hence, this matter may be placed before the Hon'ble Chief Information Commissioner for further directions in the matter.

6. Copy of interim decision be provided to both the parties free of cost.

(Sudhir Bhargava)
Information Commissioner

Authenticated true copy

(V.K. Sharma)
Designated Officer