

**CENTRAL INFORMATION COMMISSION**

**Club building, Opposite Ber Sarai Market, Old JNU Campus, New Delhi- 110067.**

**Tel: 011 - 26182593/26182594**

**Email: registrycab@gmail.com**

**File No : CIC/AB/A/2016/000142-AB**

**In the matter of:**

K R Srinivas  
Rly. Plot No. 10, 10-A & O-12, 12A,  
Gate Bazar, Kharagpur,  
West Bengal.

...Appellant

VS

Central Public Information Officer  
PIO / Sr. Divl. Engineer (Co-ord)  
South Eastern Railway, O/o the DRM  
(Engg.), DRM Building, Near Bilimoria  
Petrol Pump, Kharagpur,  
West Bengal –721301.

...Respondent

**Dates**

RTI application	:	25.11.2015
CPIO reply	:	07.12.2015
First Appeal	:	17.12.2015
FAA Order	:	Not on record
Second Appeal	:	08.03.2016
<b>Date of hearing</b>	:	<b>27.04.2017</b>

**Information sought:**

The appellant had sought status of the power of attorney, dated 24.02.2014.

**Grounds for Second Appeal**

The CPIO did not provide the desired information.

**Order**

<b>Appellant</b>	:	<b>Present</b>
<b>Respondent</b>	:	<b>PIO, Shri V.K.Guin, Asstt.Div.Engr.</b>

During the hearing the respondent CPIO submitted that they had provided the requisite information vide their letter dated 07.12.2015 in connection with the RTI application dated 25.11.2015. There is no FAA's order in the case file. The appellant submitted that he was not satisfied with the reply of the CPIO.

On perusal of the case record, it was seen that the reply provided by the CPIO is deficient in nature on point no. 1. On point no. 2, information could be provided after following the procedure u/s 11(1) of the RTI Act, as the sought for information is a third party information. In case an NOC is obtained from the third party concerned, information can be provided and in the absence of the required NOC, no information can be provided to the appellant in this case.

The respondent CPIO is directed **either** to provide point wise reply (on point no. 1) complete in all respects to the appellant as available on record e.g. file noting, e-mail, circular etc. free of charge u/s 7(6) of the RTI Act **or** to submit an affidavit that records are not available/destroyed with copy of record retention schedule by which the records were weeded out, to the Commission with a copy duly endorsed to the appellant within 15 days of the receipt of the order.

In regard to the point no 2 of the RTI application the above stated procedure is to be followed within the same time period.

A Compliance report with proof of despatch of the reply to the appellant shall be submitted within 07 days thereafter to the Commission for record.

***With the above direction, the appeal is disposed of.***

***Copy of the order may be sent to both the parties free of cost.***

**[Amitava Bhattacharyya]  
Information Commissioner**

Authenticated true copy

(A.K. Talapatra)  
Deputy Registrar