

CENTRAL INFORMATION COMMISSION

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

Decision No. CIC/SB/C/2015/000159

Dated 09.11.2016

Complainant : Shri P.K. Pahuja,
Bk. No. 1528/1,
Section No. 29, Ulhasnagar,
Maharashtra-421004.

Respondent : Central Public Information Officer,
Central Administrative Tribunal,
Mumbai Bench, Gulestan,
Dr. Ghanshyam Talwatkar Marg,
Prescot Road,
Fort, Mumbai-400001.

Date of Hearing : 09 .11.2016

Relevant dates emerging from the complaint:

RTI application filed on : 17.08.2015

First Appeal filed on : 28.09.2015

Complaint filed on : 23.11.2015

ORDER

1. Shri P.K. Pahuja filed an application dated 17.08.2015 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Central Administrative Tribunal (CAT), Mumbai seeking information on five points pertaining to Original Application (OA) No. 90/2014 and Review Petition No. 34/2014 and reply letter from CAT, Mumbai No. CAT/MUM/RTI/5859 dated 28.07.2015, including (1) internal orders/notification that state that copy of objection raised by the Registry in

Dy. No. 889/2014 need not be certified, (2) name and designation of the official who had raised the objection and (3) whether there are any orders that provide that officer raising the objection need not put his initials over them.

2. Shri P.K. Pahuja filed a complaint dated 23.11.2015 before the Commission on the grounds that the CPIO and the First Appellate Authority (FAA) have failed to act upon his RTI application under Section 6 of the RTI Act, 2005 making them liable for action under Section 20(1). The complainant requested the Commission to direct the respondent to provide the information/documents sought by him free of cost.

Hearing on 09.11.2016:

3. The complainant Shri P.K. Pahuja was not present despite notice. The respondent Smt. Margaret Fernandes, Deputy Registrar and CPIO, CAT, attended the hearing through video conferencing.

4. The respondent submitted that a reply was given in response to the present RTI application. However, on a specific query from the Commission, she could not apprise the Commission about the date and content of the said letter.

Interim Decision:

5. The Commission, after hearing the submissions of the respondent and perusing the records, finds that no information has been provided by the respondent to the complainant as per record on file. Therefore, the CPIO is liable for imposition of penalty in terms of provision under Section 20(1) of the RTI Act, 2005.

6. The CPIO, CAT is hereby directed to submit an explanation both by post and through e-mail at do.icsb-cic@gov.in before the Commission, on or before

19.12.2016, explaining why action under Section 20(1) of the RTI Act should not be initiated against him.

7. The CPIO, CAT is further directed to appear before the Commission on **02.01.2017 at 01.15 p.m.** along with a copy of his written explanations.

8. The CPIO is also directed to inform if there is/ are other person(s) responsible for knowingly not providing complete information to the complainant and if so to inform such persons of the show cause hearing and direct them to appear before the Commission on **02.01.2017 at 01.15 p.m.** along with his/ their written explanations.

9. Copy of the decision be provided free of cost to the parties.

(Sudhir Bhargava)
Information Commissioner

Authenticated true copy

(V.K. Sharma)
Designated Officer