

**CENTRAL INFORMATION COMMISSION**

2<sup>nd</sup> Floor, August Kranti Bhawan,  
Bhikaji Cama Place, New Delhi-110066

**Decision No. CIC/SB/A/2015/000191**

**Dated 18.10.2016**

**Appellant** : Shri Nisar Ahmad Khan,  
Kawoosa, Khalisa,  
Distt. Budgam, P.O. Magam  
J & K -193401.

**Respondent** : The Central Public Information Officer,  
Council for Advancement of  
People's Action & Rural Technology  
India Habitat Centre, Zone 5A, Core-C,  
2nd Floor, Lodhi Road,  
New Delhi-110 003.

**Date of Hearing** : 18.10.2016

**Relevant dates emerging from the appeal:**

RTI application filed on : 18.02.2015

CPIO's reply : 10.04.2015

First Appeal filed on : 27.04.2015

FAA's Order : 19.05.2015

Second Appeal filed on : 09.07.2015

**ORDER**

1. Shri Nisar Ahmad Khan filed an application dated 28.02.2015 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Council for Advancement of People's Action for Rural Technology (CAPART) seeking information on four points, including (1) photo copy of the project proposal for the Handicraft and Handloom Training Program under Sanction Order No. F.No.PC/J&K//18/3/2001 dated

09.04.2002 in favour of NGO – Women and Children’s Welfare Society and (2) photo copy of the reimbursement case of the training programme of handicraft & handloom bearing Sanction Order No. F. No. PC/J&K/18/3/2001 dated 09.04.2002 organised by the NGO – Women & Children’s Welfare Society.

**2.** Shri Nisar Ahmad Khan filed a second appeal dated 09.07.2015 before the Commission on the grounds that the CPIO, CAPART did not provide the information sought by him on the plea that the relevant file is not traceable and that the First Appellate Authority (FAA) while disposing of his appeal has erred in law and failed to apply its mind to the real facts bearing upon the matter in issue and has illegally and arbitrarily disposed of his first appeal by following the decision of the CPIO and also mentioned that the information sought by the appellant is third party information and can be provided only if the third party agrees to provide the same. The appellant requested the Commission to set aside the impugned order of the FAA and the CPIO and provide the information sought by him.

**Hearing:**

**3.** Both the appellant and the respondent were not present despite notice.

**Decision:**

**4.** The Commission, after perusing the records, observes that as per the reply of the CPIO, the relevant file is not traceable in the respondent office. In view of the same the Commission, directs that an enquiry be conducted for tracing the relevant file and also to ascertain as to whether the records were actually misplaced or the CPIO had taken that plea to deny information to the appellant. The said enquiry should be conducted by an officer not below the rank of Joint Secretary. The Enquiry Officer shall also, if required, take appropriate departmental action against the officers/officials

responsible for the misplacement of the records. A copy of the inquiry report along with the action taken report may be provided to the Commission as well as to the appellant within a period of six weeks from the date of receipt of a copy of this order. The Commission also observes that if the file is traced after the enquiry, information on point nos. 2 and 4 of the RTI application be provided to the appellant within two weeks from the date of completion of the said enquiry.

5. With the above observations, the appeal is disposed of.
6. Copy of the decision be provided to both the parties free of cost.

**(Sudhir Bhargava)**  
**Information Commissioner**

**Authenticated true copy**

**(V.K. Sharma)**  
**Designated Officer**