

CENTRAL INFORMATION COMMISSION

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

File No. CIC/KY/C/2016/000237

Complainant : Shri Pawan Kumar Sharma
#585, Phase-2, Mohali, SAS Nagar
Panjab-160055

Public Authority : The CPIO
O/o. the Education Secretary, Dept. of Education,
1st Floor, Additional Deluxe Building, Sec-9,
UT Chandigarh-160017

Date of Hearing : 22.08.2016

Date of Decision : 22.08.2016

Presence:

Complainant : Shri Pawan Kumar Sharma, **Heard Telephonically**
CPIO : Ms. Meena Rani, Superintendent & CPIO

FACTS:

- I. Vide RTI application dated **08.01.2016**, the appellant sought information on **8 issues**.
- II. CPIO, vide its responses dated **03.02.2016 & 19.08.2016**, provided the required information to the complainant.
- III. The First Appeal (FA) was filed on **11.02.2016**, as desired information not provided.
- IV. First Appellate Authority (FAA), is not on record.
- V. Grounds for the Complaint filed on **12.05.2016**, are contained in the Memorandum of Complaint.

HEARING

Complainant was heard telephonically (Phone No. 09463950619). Respondents appeared before the Commission **personally** and made the submissions at length.

DECISION

It would be seen here that the complainant, vide his RTI Application dated **08.01.2016**, sought information from the respondents on eight issues. Respondents vide their responses dated **03.02.2016 & 19.08.2016**, provided the required information to the complainant. Being aggrieved by the aforesaid response, FA was filed by the Complainant before FAA who vide his order dated **27.04.2016**, disposed of the FA. Hence, complainant has filed his complaint dated **12.05.2016** before the Commission.

2. It is pertinent to mention here that **most important criterion among the other criteria** mentioned under **Section 18(1) (a) to (e) of the RTI Act 2005**, appears to be that complainant must be given **incomplete, misleading and false information**. However, the other criteria seems to be, refusal of access, not given response, charging unreasonable fee and even refusal of accepting the application for information etc. etc.
3. It is further stated here that, as per **Section 18 (2) of the RTI Act 2005**, in the **complaint cases**, it is **mandatory** on the part of Hon'ble Commission **to be satisfied first** that there are **reasonable grounds** for getting the matter inquired from the O/o respondents before proceeding under **Section 18 read with 20 of the RTI Act 2005** and the main satisfaction of the Hon'ble Commission seems to be the fulfillment of either criteria as mentioned under **Section 18(1) (a) to (e) of the RTI Act 2005**.
4. The Commission heard the submissions made by complainant as well as respondents at length. The Commission also perused the case-file **thoroughly**; specifically, **nature of issues** raised by the complainant in his RTI application dated **08.01.2016**, respondent's responses dated **03.02.2016 & 19.08.2016**, FAA's order dated **27.04.2016** respondent's written submissions dated **22.08.2016** and also the contents of complaint.
5. In view of the **position** above and in the **circumstances** of the case, the Commission feels, **not satisfied**, under section 18(2) of the RTI Act 2005, that there are **reasonable grounds** for getting the matter inquired simply because the complaint, under reference, **miserably failed to qualify** the criteria as mentioned under **Section 18(1) of the RTI Act 2005**. As such, the Commission is of the considered view that complainant's complaint devoids of merit and deserves to be **dismissed** forthwith. Therefore, it is hereby **dismissed**.

The complaint is dismissed accordingly.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)
Deputy Secretary

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