

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/2016/00244

Complainant : Shri Arun Kumar Sharma
2132/3, Pipliwala Town, Mani Majra
UT Chandigarh

Public Authority : The CPIO
Chandigarh Municipal Corporation
New Delux Building, Sec-17, UT Chandigarh

Date of Hearing : 13.10.2016
Date of Decision : 13.10.2016

Presence:

Complainant : Shri Arun Kumar Sharma and Raman Vohra
CPIO : Shri Kuldip Singh, Superintendent & CPIO

FACTS:

- I. Vide RTI application dated **05.03.2016**, the Complainant sought information on **sole issue**.
- II. CPIO, vide its response dated **26.05.2016**, has provided the information to the Complainant.
- III. The First Appeal (FA) is not on record.
- IV. First Appellate Authority (FAA), order is not on record.
- V. Grounds for the Complaint filed on **15.06.2016**, are contained in the Memorandum of Complaint.

HEARING

Complainant as well as respondent 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 **05.03.2016**, sought information from the respondents on sole issue as contained therein. Respondents vide their response dated **26.05.2016**, provided the part required information to the complainant.

2. During hearing of the case, it is submitted by Shri Kuldip Singh, Superintendent & CPIO, that the required information is not with him and the respondents are tracing out the relevant records. For this, he has also submitted his written undertaking dated **13.10.2016**

for the kind perusal of this Commission. For the purpose of clarity, it would be appropriate to quote the relevant portion of the respondent's undertaking dated **13.10.2016**, which reads as under:

"The documents was received and dealt with by Shri Pardeep Kumar Gupta, Drafts man on 27.06.1995 we will issue a letter to trace out the requisite document and supply to the complainant. If traced out the information will be supplied within 15 days."

3. The Commissioner heard the submissions made by appellant as well as respondents at length. The Commission also **perused** the case-file **thoroughly**; specifically, **nature of issues** raised by the appellant in his RTI application dated **05.03.2016**, other material made available on record and also the grounds of memorandum of second appeal.
4. In view of the **position** above and the **circumstances** of the case, the Commission of is the considered view that it would be **appropriate even justified** to direct Shri Kuldip Singh, Superintendent & CPIO, to take necessary action as per his **hand written undertaking dated 13.10.2016**, within 30 days from the date of receipt of this order under intimation to this Commission. Furthermore, the complainant is also granted a **liberty** to move against Shri Kuldip Singh, Superintendent & CPIO, in case, he fails in providing the required information to appellant on his RTI application dated 05.03.2016. It is further clarified that Complainant's **subsequent application/petition** may not be treated as barred by **the principles of constructive res-judicata**.

With the above observations, the instant complaint is disposed of.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)

Deputy Secretary

The CPIO

Chandigarh Municipal Corporation

New Delux Building, Sec-17, UT Chandigarh

Shri Arun Kumar Sharma

2132/3, Pipliwala Town, Mani Majra

UT Chandigarh