

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/2016/000249

Appellant : Dr. Kanti Prasad
D-104, Seema Apts., Plot – 7
Sec-XI, Dwarka, New Delhi-110075

Public Authority : The Scientist 'E' & CPIO
Ministry of Earth Sciences
India Meteorological Department,
O/o. the Dte. Gen. of Meteorology
Mausam Bhavan, Lodi Road, New Delhi-110003

Date of Hearing : 28.09.2016
Date of Decision : 28.09.2016

Presence:

Appellant : Dr. Kanti Prasad
CPIO : Dr. V K Soni, Scientist –E & CPIO

FACTS:

- I. Vide RTI application dated **20.02.2016**, the Appellant sought information on **3 issues**.
- II. CPIO, vide its response dated **28.03.2016 & 01.06.2016**, denied to provide the information u/s 2 (f), 2 (i), 2 (j) of the RTI Act 2005.
- III. The First Appeal (FA) was filed on **14.04.2016**, as desired information not provided.
- IV. First Appellate Authority (FAA), vide its order dated **02.05.2016**, directed CPIO to provide the information on point no 3.
- V. Grounds for the Second Appeal filed on **18.06.2016**, are contained in the Memorandum of Appeal.

HEARING

Appellant as well as respondent appeared before the Commission personally and made the submissions at length.

DECISION

During hearing of the appeal, it is submitted by the appellant that his so called complaint may be treated as a second appeal. On this appellant has also given his handwritten letter dated **28.09.2016**, requesting thereby that his complaint be treated as a second appeal & not complaint. Thus, it is being dealt with as **second appeal** and not as complaint.

2. It would be seen here that the appellant, vide his RTI Application dated **20.02.2016**, sought information from the respondents on **three issues**. Respondents, vide their response dated **28.03.2016**, allegedly denied the information, against **issues no. 1 & 2**, to the appellant by taking a plea under **Section 2(f), 2(i), 2(j) of the RTI Act 2005**. However, not provided the required information, against **issue no. 3**, to the appellant by stating that **information is not available** in their office. Being aggrieved by the aforesaid response, FA was filed by the appellant on **14.04.2016** before the FAA, who vide his order dated **02.05.2016**, disposed of the FA by directing the CPIO to provide the information to the appellant against issue no. 3 of his RTI application dated 20.02.2016.
3. It is pertinent to mention here that in compliance of FAA's order (supra), the CPIO, vide his subsequent response dated **01.06.2016**, **denied** the required information to the appellant by stating as, "The required information cannot be supplied as the relevant File containing the copy of your promotion order is **untraceable due to very old** as well as the same is not found in your Service-Book records."
4. Further, on careful perusal of the nature of issues no. 1 & 2, as raised by the appellant in his RTI application dated **20.02.2016**, the Commission feels that the issues are not in query form and these issues do fall within the four corners of **Section 2 (f) of the RTI Act 2005**.
5. 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 **20.02.2016**, respondent's response dated **28.03.2016 & 01.06.2016**, FAA's order dated **02.05.2016**, other material made available on record and also the grounds of memorandum of second appeal.
6. The Commission is of the considered view that the appellant has been **deprived** by the respondents **deliberately** from having the benefits of the RTI Act 2005, **even after lapse of more than seven months period**. Thus, the respondents **have defeated the very purpose** of the RTI Act 2005 for which it was legislated by Parliament of India. As

such, the Commission feels that appellant's second appeal deserves to be allowed in toto. Therefore, it is **allowed in toto**.

7. In view of the above, the respondents are hereby directed to provide the **complete & categorical** information, **issue-wise**, to the appellant as per his RTI application, **in accordance with the provisions of RTI Act 2005**, within 30 days from the date of receipt of this order under intimation to this Commission. **If need be, Section 5(4) of the RTI Act 2005 may also be invoked in the matter.**
8. The Commission further directs the respondents to trace out the relevant file by making fresh and genuine efforts by using **due diligence**. In case, the file **still remains untraceable, a declaration supported by affidavits, duly sworn-in, be given to the appellant within the same period of 30 days as mentioned above.**

With the above directions, the appellant's second appeal is hereby disposed of.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)

Deputy Secretary

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