

# CENTRAL INFORMATION COMMISSION

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

File No. CIC/KY/C/2016/000304

Appellant : Mr. Prasanta Kumar Das  
111, G.T Road, Post & PS- Dist  
Burdwan, West Bengal- 713101

Public Authority : The Manager (Pers.) & CPIO  
Food Corporation of India, Zonal Office  
East, Kolkata, 10A, Middleton Row Kolkata - 700071

Date of Hearing : 20.09.2016  
Date of Decision : 20.09.2016

## Presence:

Appellant : Absent  
CPIO : Mr. Deborshi Roy

## FACTS:

- I. Vide RTI application dated **08.05.2013**, the Appellant sought information on **6 issues**.
- II. CPIO, vide its response dated **12.06.2013**, reportedly not provided the information to the Appellant.
- III. The First Appeal (FA) was filed on **09.11.2013**, as desired information not provided.
- IV. First Appellate Authority (FAA), vide its order dated **12.06.2014**, upheld the decision of CPIO.
- V. CIC vide its Order dated **26.05.2015**, directed CPIO to provide the information to the appellant.
- VI. Grounds for the Second Appeal filed on **10.02.2016**, are contained in the Memorandum of Second Appeal.

## HEARING

**Appellant opted to be absent despite of our due notice to him.** Respondents appeared before the Commission personally and made the submissions at length.

## DECISION

At the outset, it is worth to mention here that pursuant to directions dated **18.05.2016** of Hon'ble Kolkata High Court, in W.P. No. 8739 (W) of 2016 – Mr. Prasanta Kumar Das vs. CIC & Anr, this Bench received a complaint dated **10.02.2016** filed by Mr. Prasanta Kumar Das only on **02.09.2016** from Central Registry of the Commission for taking

necessary action in the matter. Accordingly, Notice of Hearing was issued on **05.09.2016** for hearing the parties concerned (i.e. to Shri Prasanta Kumar Das, Shri Sidhartah Ghosh, Learned Advocate on behalf of appellant and The Manger (Pers.) & The AGM (Pension) & CPIO, on behalf of FCI ) before disposing the same.

2. It is pertinent to mention here that appellant vide his written submissions dated **14.09.2016**, requested this Commission as, *“With reference to the above subject, I, being the complainant, humbly beg to submit that I, being a retired person and being of advanced age, am not keeping in good health and as such I am being unable to attend the hearing fixed before your goodself on 20.09.2016 at 12.10.PM, for which I humbly pray that your goodself may kindly be pleased to excuse my absence.”*
3. However, the Commission feels that appellant must have appeared, **either in person or through someone**, duly authorized by him in such situations, to press his case before the Commission, after all, it is his case to be pursued strongly but appellant as well as his advocate i.e. Shri Sidhartah Ghosh are absent **deliberately**, despite of our due notice.
4. Apart from above, it is stated here that Hon. CIC vide its earlier order dated **26.05.2015**, passed by Shri Yashovardhan Azad, Hon. Information Commissioner, in file No. **CIC/YA/A/2014/001429 & CIC/YA/A/2014/002285**, disposed of then Second Appeal by observing as under :

“After hearing both the parties and on perusal of record, the Commission directs the CPIO to provide a detailed statement regarding the employees under RDF, FCI along with details of deputationists from the states with regard to the options given to them for obtaining their pensionary benefits. This statement shall be provided to the appellant within two weeks of receipt of this order, under intimation to the Commission. The appeals are disposed of accordingly.”
5. Further, as per the contents of the prayer clause as embedded in the instant petition, no submissions was made with regard penal action but has constantly been requesting for getting the required information from the respondents. In view of this, the Commission feels that it would be appropriate and even justified to convert the captioned petition into a second appeal. Therefore, it is converted into a **second appeal in the interest of justice**. Thus, it is being dealt accordingly.
6. Furthermore, on careful perusal of the case-file, there appears that incompliance of Hon. CIC’s earlier order dated **26.05.2015**, the CPIO, vide his subsequent response dated **29.05.2015**, **provided** the required information to the appellant on his RTI application dated **08.05.2013**.
7. The Commission heard the submissions made by respondent at length. The Commission also **perused** the case-file **thoroughly**; specifically, **nature of issues** raised by the

appellant in his RTI application dated **08.05.2013**, respondent's response dated **29.05.2015** & his written submissions dated **20.09.2016**, Hon. CIC's earlier order dated **26.05.2015**, appellant's written submissions dated **14.09.2016**, and also the contents of appellant's Petition dated 10.02.2016 converted into Second Appeal in the interest of justice.

8. In view of the **position** above and in the **circumstances** of the case, the Commission is of the considered view that the respondents have provided the required information to the appellant in terms of **Section 2(f) of the RTI Act 2005**. In view of this, the Commission feels that the appellant's second appeal becomes **redundant** in this regard. Thus, the appellant's second appeal deserves to be **dismissed**. Therefore, it is **dismissed**.

The Appeal is dismissed accordingly.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)

Deputy Secretary

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