

CENTRAL INFORMATION COMMISSION

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

File No. CIC/LS/C/2012/000371/KY

Appellant : Mr. Pawan Kumar
Panna Bhawan 2/1 Ansari Road
Darya Ganj New Delhi

Public Authority : The CPIO
Ministry of Textiles
Udyog Bhawan, New Delhi

Date of Hearing : 16.09.2016
Date of Decision : 16.09.2016

Presence:

Appellant : Absent
CPIO : Shri G K Rajnish, Under Secretary & CPIO

FACTS:

- I. Vide RTI application dated **28.11.2011**, the Appellant sought information on **8 issues**.
- II. CPIO, response is not on record.
- III. The First Appeal (FA) is not on record.
- IV. First Appellate Authority (FAA), is not on record.
- V. Grounds for the Complaint filed on **14.02.2012**, are contained in the Memorandum of Complaint.

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 stated here that as per the contents of the prayer clause, as embedded in the instant petition, **it is a case of second appeal**. However, the Central Registry registered it **wrongly as a complaint for the reasons best known to them**. Thus, it is being dealt with as **second appeal** and not as complaint.

2. On being queried by the Commission, as to whether respondents have provided the required information to the appellant on his RTI application dated **28.11.2011**. On this very aspect, it is submitted by Shri G K Rajnish, Under Secretary & CPIO, that then CPIO vide his common response dated 04.04.2012, provided the required information to the appellant, while dealing his RTI applications dated 28.11.2011 (3 in nos.) & 11.12.2011. The Commission posed a second query to him, as to bifurcate the exact reply given to the appellant on his RTI

application dated 28.11.2011, in the present case. On this, he miserably failed to bifurcate the relevant reply against 8 issues as contained in the RTI application dated 28.11.2011 in the present case, however, he kept on arguing illogically on irrelevant issues.

3. In view of the position above, the Commission feels that Shri G. K. Rajnish, Under Secretary & CPIO came here **without preparation** in the case. Therefore, the Commission **warned** him to come before the Commission with full preparation of the case to oppose their cases, on behalf of respondents in future, otherwise Commission would be **left with no option but to ban his appearance** before the Commission.
4. Further, it would be seen here that the appellant, vide his RTI Application dated **28.11.2011**, sought information from the respondents on **8 issues**. However, respondents **failed to furnish** any response to the appellant on his RTI application dated **28.11.2011**.
5. Being aggrieved by the aforesaid **inaction**, appellant **miserably failed** to avail the **efficacious and alternate legal remedy** existed under the RTI Act 2005 i.e. to file First Appeal under **section 19 (1) of the RTI Act 2005** before the Learned FAA but rather he filed a Second Appeal directly before this Commission **without exhausting the alternate remedy** mentioned above and available to him.
6. In view of the **position** above and in the **circumstances** of the case, the Commission feels that it would be **appropriate and even justified** to direct the appellant to avail the **efficacious and alternate legal remedy** available to him by filing the **first appeal**, before the learned FAA for its adjudication. Thus, **ordered accordingly**. The appellant is further granted a liberty to move a second appeal before this Commission, in case, he is not satisfied with the decision of the FAA on the FA.

The Appeal is disposed of accordingly.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)
Deputy Secretary

Smt. Sunaina Tomar
Joint Secretary
Ministry of Textiles
Udyog Bhawan, New Delhi

{For information only}

The CPIO
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