

CENTRAL INFORMATION COMMISSION

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

Files No. **CIC/LS/C/2012/000372/KY**

CIC/LS/C/2012/000380/KY

Complainant : Shri Pawan Kumar Jain
Panna Bhawan, 2/1, Ansari Road
Darya Ganj, New Delhi-110002

Public Authority : The CPIO
M/o. Textiles, Udyog Bhawan
New Delhi-110011

Date of Hearing : 07.09.2016

Date of Decision : 07.09.2016

Presence:

Complainant : Absent
CPIO : Shri Neerav Mallik, Director and
Shri G K Rajnish, Under Secretary & PIO

A) FACTS of File No. CIC/LS/C/2012/000372/KY:

- I. Vide RTI application dated **11.12.2011**, the appellant sought information on **3 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.

B) FACTS of File No. CIC/LS/C/2012/000380/KY:

- I. Vide RTI application dated **11.12.2011**, 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 clauses, as embedded in the instant petitions, **these are the cases of second appeal**. However, the Central Registry registered it **wrongly as complaints for the reasons best known to them**. Thus, these are being dealt with as **second appeals** and not as complaints.

2. It would be seen here that the appellant, vide his RTI Application dated **11.12.2011 (2 in nos.)**, sought information from the respondents on **3 & 8 issues** respectively. However, respondents **failed to furnish** any response to the appellant on his RTI applications dated **11.12.2011 (2 in nos.)**.
3. 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 Appeals under **section 19 (1) of the RTI Act 2005** before the Learned FAA but rather he filed two Second Appeals directly before this Commission **without exhausting the alternate remedy** mentioned above and available to him.
4. 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 appeals**, before the learned FAA for its adjudication. Thus, **ordered accordingly**. The appellant is further granted a liberty to move second appeals before this Commission, in case, he is not satisfied with the decisions of the FAA on the FA.

The Appeals are disposed of accordingly.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)

Deputy Secretary

The CPIO

M/o Textiles, Udyog Bhawan

New Delhi-110011

Shri Pawan Kumar Jain

PannaBhawan, 2/1, Ansari Road

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