

CENTRAL INFORMATION COMMISSION

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066

Decision No. CIC/SB/A/2015/000401

Dated 21.11.2016

Appellant : ShriSadanand Paul,
Village Nawabganj,
PO Nawabganj,
Distt. Katihar, Bihar-854113.

Respondent : Central Public Information Officer,
Ministry of Home Affairs,
North Block, New Delhi-110 001.

Date of Hearing : 21.11.2016

Relevant dates emerging from the appeal:

RTI application filed on : 29.01.2015
CPIO's reply : 05.02.2015/11.03.2015
First appeal filed on : 15.04.2015
Second appeal filed on : 18.07.2015

ORDER

1. ShriSadanand Paul filed an application dated 29.01.2015 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Vice President's Office seeking information on five points pertaining to President/Vice-President of India. The CPIO, Vice President's Office vide letter dated 05.02.2015 transferred the RTI application to Ministry of Home Affairs (MHA).

2. The appellant filed a second appeal dated 18.07.2015 before the Commission on the grounds that he has not been provided complete information either by the CPIO or by the First Appellate Authority (FAA).

Hearing:

3. The appellant Shri Sadanand Palwas not present despite notice. The respondent Shri D.S. Parihar, Under Secretary, MHA was present in person.

4. The respondent submitted that a reply vide letter dated 11.03.2015 was furnished to the appellant informing him that the file concerned is not traceable. The respondent further submitted that the file concerned is still not traceable. Hence, the information sought by the appellant cannot be provided.

Decision:

5. The Commission, notes that record keeping and proper maintenance of files is a key function of any public authority. In view of this, it is imperative to ascertain the facts leading to the misplacement of the records relating to the RTI application dated 29.01.2015 filed by the appellant. The Commission, therefore, directs the First Appellate Authority, MHA to inquire into the matter of the 'missing' file and to ascertain as to whether the records were actually misplaced or the CPIO had taken that plea to deny information to the appellant. The FAA shall also, if required, take appropriate departmental action against the officers/officials responsible for the misplacement of the records. A copy of the inquiry report along with the action taken report may be provided to the Commission as well as to the appellant within a period of six weeks from the date of receipt of a copy of this order. In case, the file is traced, the information sought for be provided to the appellant, within two weeks from the date of tracing of the file.

6. With the above observations, the appeal is disposed of.

7. Copy of the decision be provided free of cost to the parties.

(Sudhir Bhargava)
Information Commissioner

Authenticated true copy

(V.K. Sharma)
Designated Officer