

# 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/SB/A/2015/000563/KY**

Appellant : Shri Ram Naraihan Dhanka  
10-A, Near Rajoria School, Hasanpura-C Jaipur- 302006

Public Authority : The Asst. Director & CPIO  
National Commission for Scheduled Tribes  
6<sup>th</sup> Floor, B- Wing, Lok Nayak Bhawan  
Khan Market, New Delhi, 110003

Date of Hearing : 16.12.2016

Date of Decision : 16.12.2016

## **Presence:**

Appellant : Absent  
CPIO : Shri D S Kumbhare, Under Secretary & CPIO

## **FACTS:**

- I. Vide RTI application dated **19.09.2014**, the Appellant sought information on **8 issues**.
- II. CPIO, vide its response dated **17.12.2014**, has provided the part information to the Appellant.
- III. The First Appeal (FA) was filed on **23.12.2014**, as desired information not provided.
- IV. First Appellate Authority (FAA), vide his order dated **24.03.2015**, upheld the decision of CPIO.
- V. Grounds for the Second Appeal filed on **18.08.2015**, 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**

It would be seen here that the appellant, vide his RTI Application dated **19.09.2014**, sought information from the respondents on **eight issues**. Respondents, vide their response dated **17.12.2014**, allegedly provided the part required information to the appellant. Being aggrieved by the aforesaid response, FA was filed by the appellant on **23.12.2014** before the FAA, who vide his order dated **24.03.2015**, upheld the decision of CPIO. Hence, a Second Appeal before this Commission.

2. It is pertinent to mention here that the CPIO, vide his response dated **17.12.2014**, has provided the required information, against issue no. 3 only, to the appellant. However, remaining issues remains unattended. Further, learned FAA, vide his order dated **24.03.2015**, disposed of the FA by upholding the views of CPIO, **without application of his mind**, as to whether the complete & categorical information has ever been provided to the appellant **on all issues or not**. As such, Learned FAA's order dated **24.03.2015**, deserves to be **quashed and set aside**. Therefore, it is hereby quashed and set aside being **legally untenable**.
3. The Commissioner heard the submissions made by respondents at length. The Commission also **perused** the case-file **thoroughly**; specifically, **nature of issues** raised by the appellant in his RTI application dated **19.09.2014**, respondent's response dated **17.12.2014**, FAA's order dated **24.03.2015**, other material made available on record including appellant's written submissions dated **14.12.2016**, respondent's written submissions dated **14.12.2016** and also the grounds of memorandum of second appeal.
4. By virtue of **position** above and in the **circumstances** of the case, the Commission is of the considered view that it is a fit case to be **remanded back** to learned FAA with a direction to dispose of the Appellant's FA filed on **23.12.2014**, **afresh, in accordance with the provisions of RTI Act 2005**, and after giving an opportunity to the appellant of being heard, **within 30 days** from the date of receipt of this order under intimation to the Commission. As such, the case is **remanded back**.

The Appeal is disposed of accordingly.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)

Deputy Secretary

The Asst. Director & CPIO

National Commission for Scheduled Tribes

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Shri Ram Naraian Dhanka

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