

CENTRAL INFORMATION COMMISSION  
2<sup>nd</sup> Floor, 'B' Wing, August Kranti Bhawan  
Bhikaji Cama Place, New Delhi-110066  
[Tel:+91-11-26186535](tel:+91-11-26186535)

Complaint No.CIC/VS/C/2015/000005

Complainant: Anwar Haleem  
D-II-60 Kakanagar, ND 110001, Delhi

Respondent: Central Public Information Officer  
M/o E. A., RTI Cell , Jawaharlal Nehru  
Bhawan, Janpath, New Delhi-110011

Date of Hearing: 21.02.2017  
Date of Decision: 21.02.2017

**ORDER**

**Facts:**

1. The complainant filed RTI application dated 11.07.2014 seeking copy of complete files in which IFS officers of 1991 batch were promoted to the rank of Joint Secretary to GOI, review DPC was held etc.
2. The CPIO responded on 11.09.2014. The complainant filed first appeal dated 26.08.2014 before the first appellate authority (FAA). The FAA responded on 16.09.2014. The complainant filed a complaint to the Commission on 18.12.2014 on the ground that information should be provided to him.

**Hearing:**

3. The complainant and the respondent both participated in the hearing.
4. The complainant stated that he has not been provided information sought for by him even after demanded copying charges had been deposited by him. The complainant stated that the CPIO rejected the first query of his RTI application by invoking section 8(1)(j) of the RTI Act but did not explain as to

how the section is applicable in this case. The complainant stated that the reply of the CPIO is erroneous.

5. The complainant stated that it is settled position in law that access to information, under section 3 of the Act, is the rule and exemptions under Section 8, the exception. Section 8 being a restriction on the fundamental right, must therefore be strictly construed, as held by the Hon'ble Delhi High Court in a catena of decisions. It should not be interpreted in a manner as to shadow the very right itself.

6. The complainant stated that the CPIO while withholding information must show satisfactory reasons and basis as to why the release of such information would be covered under section 8(1)(j) of the RTI Act.

7. The complainant stated that the first appellate authority did not adjudicate his first appeal on the ground raised by him. The complainant stated that the first appellate authority did not provide him an opportunity of being heard, a violation of the principle of natural justice.

8. The complainant stated that he wants copy of the relevant documents including file notings on the basis of which the MEA has conducted a review DPC in his case and had come to the conclusion that 'an inadvertent error has occurred in calculation the total marks based on available ACR's for the last 120 months in his case etc'.

9. The respondent stated that the complainant has been replied to vide letter dated 11.09.2014. The respondent stated that the sought for information pertains to another division/section of the Ministry which deals with highly sensitive information and the present CPIO is not the custodian of the information sought for by the complainant. The respondent stated that they need some time to give reply.

**Discussion/ observation:**

10. The complainant requested to convert his complaint into appeal as he has availed all remedy available to him. This is agreed to.

11. In view of the respondent's submission, the matter may be listed after 15 days this order.

**Decision:**

12. The Dy. Registrar is directed to reschedule the case and issue a fresh notice of hearing in the matter after 15 days of this order.

Copy of the order be given to the parties free of cost.

**(Radha Krishna Mathur)**  
**Chief Information Commissioner**

Authenticated true copy

(S.C. Sharma)  
Dy. Registrar