

CENTRAL INFORMATION COMMISSION

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

File No. CIC/KY/A/2016/001175

Appellant : Ms. Shivani
House No. 3229, Sec-41-D
UT Chandigarh

Public Authority : The Superintendent (School-I) & CPIO
O/o the Dte. School Education, Chandigarh Administration,
Deluxe Building, Sec-9 UT Chandigarh

Date of Hearing : 06.10.2016

Date of Decision : 06.10.2016

Presence:

Appellant : Absent
CPIO : Shri Umesh Kumar, Superintendent & CPIO

FACTS:

- I. Vide RTI application dated **29.02.2016**, the Appellant sought information on **5 issues**.
- II. CPIO, vide its response dated **10.03.2016**, has provided the part information to the Appellant.
- III. The First Appeal (FA) was filed on **28.03.2016**, as desired information not provided.
- IV. First Appellate Authority (FAA), vide its order dated **24.04.2016**, directed CPIO to provide the information on point no 5.
- V. Grounds for the Second Appeal filed on **28.06.2016**, are contained in the Memorandum of Second Appeal.

HEARING

Appellant opted to be absent despite of our due notice to her. Respondents appeared before the Commission personally and made the submissions at length.

DECISION

It would be seen here that the appellant, vide her RTI Application dated **29.02.2016**, sought information from the respondents on **5 issues**. Respondents, vide their response dated **10.03.2016**, allegedly provided the required information to the appellant. Being aggrieved by the aforesaid response, FA was filed by the appellant on **28.03.2016** before the FAA, who vide his order dated **24.04.2016**, partly upheld the views of CPIO, however, directed CPIO to provide the required information, against issue no. 5, to the appellant.

2. It is pertinent to mention here that in compliance of FAA's order, the CPIO, vide his response subsequent dated **05.07.2016**, **not provided** the remaining required information to the appellant on her RTI application dated 29.02.2016 but reiterated his earlier response dated 10.03.2016. Thus, there appears that the directions of FAA, as contained in his order in First Appeal, was **not complied** with by the respondents concerned, in its letter and spirit.
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 her RTI application dated **10.03.2016**, respondent's response dated **10.03.2016**, FAA's order dated **24.04.2016**, CPIO's subsequent response dated **05.07.2016** other material made available on record and also the grounds of memorandum of second appeal.
4. In view of the **position** above and in the **circumstances** of the case, the Commission is of the considered view that there is **no legal flaw** in the order of FAA. As such, the same is hereby **upheld** being **legally tenable**. In view of this, the respondents are hereby directed to comply with the order of FAA dated **24.04.2016**, **afresh, in its letter and spirit**, within 30 days from the date of receipt of this order under intimation to this Commission. **If need be, Section 5(4) of the RTI Act 2005 may also be invoked in the matter.**

With these observations, the appellant's second appeal is hereby disposed of.

Sd/-
(M.A. Khan Yusufi)
Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)
Deputy Secretary

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