

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/2016/001185

Appellant : Shri Madanjit Kumar
B-73/G-2, Dilshad Colony, Delhi-110095

Public Authority : The PIO
Ministry of Science & Technology
Central Electronics Limited
4, Industrial Area, Sahibabad-201010, Uttar Pradesh

Date of Hearing : 04.10.2016
Date of Decision : 04.10.2016

Presence:

Appellant : Absent
CPIO : Shri S K Acharya, Company Secretary & CPIO

FACTS:

- I. Vide RTI application dated **28.03.2016**, (as per CPIO reply) the Appellant sought information on **sole issue**.
- II. CPIO, vide its response dated **20.04.2015**, denied the information u/s 8 (1) (j).
- III. The First Appeal (FA) was filed on **27.04.2016**, as desired information not provided.
- IV. First Appellate Authority (FAA), vide its order dated **26.05.2016**, upheld the decision of CPIO.
- V. Grounds for the Second Appeal filed on **04.06.2016**, 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 **28.03.2016**, sought information from the respondents on **sole issue which reads as under:**

“Sh. R D Chaudhary, Executive Director is also working as Chief Vigilance Officer, CEL, please provide certified copy of his appointment as CVO CEL, request letter to CVC to appoint him as CVO CEL, approval of CVC to appoint him as CVO CEL.”.

2. Respondents, vide their response dated **20.04.2015**, denied the required information to the appellant by taking a plea under **section 8(1) (j) of the RTI Act 2005 being personal information**. However, the Commission feels that appellant has not sought any personal information from the respondents but he has sought information which comes under section 2(f) of the Act 2005.
3. Further, learned FAA, vide his order dated **26.05.2016**, disposed of the appellant's FA dated 27.04.2016 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, CPIO's response dated **20.04.2015** and Learned FAA's order dated **26.05.2016**, deserve to be **quashed and set aside**. Therefore, these are hereby quashed and set aside being **not legally tenable**.
4. 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 **28.03.2016**, respondent's response dated **20.04.2015**, FAA's order dated **26.05.2016**, other material made available on record including respondent's written submissions dated **01.10.2016** and also the grounds of memorandum of second appeal.
5. The Commission is of the considered view that the appellant has been **deprived** by the respondents **deliberately** from having the benefits of the RTI Act 2005, **even after lapse of more than six months period**. Thus, the respondents **have defeated the very purpose** of the RTI Act 2005 for which it was legislated by Parliament of India. As such, the Commission feels that appellant's second appeal deserves to be allowed in toto. Therefore, it is **allowed in toto**.
6. In view of the above, the respondents are hereby directed to provide the **complete & categorical** information, **issue-wise**, to the appellant as per his RTI application, **in accordance with the provisions of RTI Act 2005**, 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**.

The Appeal is disposed of accordingly.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)

Deputy Secretary

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