

# 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/KY/A/2016/001249

Appellant : Mr. Amit Balraj Sharma  
Chamber No. 127, District Court Complex  
Sec-43, Chandigarh

Public Authority : The CPIO  
O/o. the District Commissioner  
Estate Office, Sec-17, UT Chandigarh

Date of Hearing : 27.09.2016

Date of Decision : 27.09.2016

## Presence:

Appellant : Mr. Amit Balraj Sharma  
CPIO : Absent

## FACTS:

- I. Vide RTI application dated **28.03.2016**, the Appellant sought information on **4 issues**.
- II. CPIO, vide its response dated **30.05.2016 20.09.2016 & 22.09.2016**, reportedly not provided the information to the Appellant.
- III. The First Appeal (FA) was filed on **18.05.2016**, as desired information not provided.
- IV. First Appellate Authority (FAA), is not on record.
- V. Grounds for the Second Appeal filed on **NIL**, are contained in the Memorandum of Second Appeal.

## HEARING

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

## DECISION

It would be seen here that the appellant, vide his RTI Application dated **28.03.2016**, sought information from the respondents on **4 issues**. Respondents, vide their responses dated **30.05.2016 20.09.2016 & 22.09.2016**, allegedly **transferred** the appellant's RTI application from one Public Authority to another Public Authority for taking necessary action. Being aggrieved by the aforesaid response, FA was filed by the appellant on **18.05.2016** before the FAA, who **could not take up** the same for its disposal **for the reasons best known to him**. Hence, a Second Appeal before this Commission.

2. Further, it is to be seen here that respondents vide their responses dated **30.05.2016** **20.09.2016** & **22.09.2016**, have transferred the appellant's RTI application, under **Section 6(3) of the RTI Act 2005**, from one Branch to another sister Branch. However, failed to ask the concerned Public Authority for getting the required information by invoking **Section 5(4) of the RTI Act 2005**.
3. In view of the above, it is legally inferred that the respondents **have mercilessly killed the very object** of the RTI Act 2005 for which it was legislated by Parliament of India and the required information has still not been provided to the appellant on his RTI application dated **16.01.2014**. As such, CPIO's response dated **17.02.2014** and Learned FAA's order dated **20.03.2014**, 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 appellant 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 responses dated **30.05.2016** **20.09.2016** & **22.09.2016**, other material made available on record 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 the August 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

The CPIO  
O/o. the District Commissioner  
Estate Office, Sec-17, UT Chandigarh

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