

# 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/2016/001255

Appellant : Shri Naresh Kumar  
Pr. Scientist, CSIR- National Institute of Science  
Technology & Development studies, K.S Krishnan Marg,  
New Delhi- 110012

Public Authority : The Head (USD) & CPIO  
Council of Scientific & Industrial Research  
2 Rafi Marg, New Delhi- 110001

Date of Hearing : 04.10.2016

Date of Decision : 04.10.2016

## Presence:

Appellant : Absent  
CPIO : Absent

## FACTS:

- I. Vide RTI application dated **26.04.2016**, the Appellant sought information on **2 issues**.
- II. CPIO, response is not on record.
- III. The First Appeal (FA) was filed on **31.05.2016**, as desired information not provided.
- IV. First Appellate Authority (FAA), vide his order dated **12.07.2016**, directed the CPIO to provide the required information to the appellant.
- V. Grounds for the Second Appeal filed on **05.07.2016**, are contained in the Memorandum of Second Appeal.

## HEARING

**Appellant as well as 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 **26.04.2016**, sought information from the respondents on **2 issues**. However, respondents **failed to furnish** any response to the appellant. Being aggrieved with the aforesaid PIO's **inaction**, FA was filed by the appellant on **31.05.2016** before the FAA, who vide his order dated **12.07.2016**, directed the CPIO to provide the required information to the appellant.

2. It is pertinent to mention here that incompliance of FAA's order dated 12.07.2016, the CPIO, vide his response dated **20.07.2016**, **denied** the required information to the appellant by taking a plea under **section 8(1) (h) of the RTI Act 2005**.
3. The Commissioner **perused** the case-file **thoroughly**; specifically, **nature of issues** raised by the appellant in his RTI application dated **26.04.2016**, respondent's response dated **20.07.2016**, FAA's order dated **12.07.2016**, other material made available on record including respondent's written submissions dated 30.09.2016 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 the plea taken by CPIO under **section 8(1) (h) of the RTI Act 2005** appears to be **justified** in the eyes of Law. As such, there is **no legal infirmity** in CPIO's response. Therefore, the CPIO's response dated **20.07.2016** is hereby **upheld** being **legally tenable**. In view of this, the appellant's second appeal deserves to be **dismissed**. Therefore, it is **dismissed**.

The Appeal is dismissed accordingly.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)

Deputy Secretary

The Head (USD) & CPIO

Council of Scientific & Industrial Research

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