

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/2016/001276

Appellant : Mr. T. R. Nangal
#174, Sec-68, Mohali Employees Hsg.
Society, Mohali-160062, Punjab

Public Authority : The CPIO
O/o. the Sub Divisional Magistrate (Central),
Union Territory Estate Office, Estate Office Building,
Sec-17, Chandigarh

Date of Hearing : 28.09.2016
Date of Decision : 28.09.2016

Presence:

Appellant : Absent
CPIO : Ms, Neelam Devi, Clerk & CPIO

FACTS:

- I. Vide RTI application dated **24.02.2016**, the Appellant sought information on **sole issue**.
- II. CPIO, vide its response dated **28.03.2016**, denied to provided the information u/s 8 (1) (j) and 11.
- III. The First Appeal (FA) was filed on **06.04.2016**, as desired information not provided.
- IV. First Appellate Authority (FAA), vide its order dated **04.05.2016**, transferred to concern FAA.
- V. Grounds for the Second Appeal filed on **18.07.2016**, 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 **24.02.2016**, sought information from the respondents on **sole issue**. Respondents, vide their response dated **28.03.2016**, allegedly denied the required information to the appellant. Being aggrieved by the aforesaid response, FA was filed by the appellant on **06.04.2016** before the FAA, who **could not take up** the same for its disposal **for the reasons best known to him**.

2. It is pertinent to mention here that the CPIO, vide his response dated **28.03.2016**, **denied** the required information to the appellant by taking a plea under **section 8(1) (j) read with Section 11 of the RTI Act 2005**. Further, learned FAA, has transferred the appellant's FA to the concerned FAA for taking necessary action. However, concerned FAA could not take up the appellant's FA dated 06.04.2016 same for its disposal **for the reasons best known to him**.
3. The Commissioner heard the submissions made by respondents at length. The Commission also **perused** the case-file **thoroughly**; specifically, **nature of issue** raised by the appellant in his RTI application dated **24.02.2016**, respondent's response dated **28.03.2016**, other material made available on record and also the grounds of memorandum of second appeal.
4. The Commission posed a query to Ms, Neelam Devi, Clerk & CPIO, as to whether first appeal dated **06.04.2016** filed by the appellant under **section 19(1) of the RTI Act 2005** before the Learned FAA was disposed of or still pending. On this very aspect, Ms, Neelam Devi, Clerk & CPIO submits her **unawareness** in this regard. Thus, it is legally inferred that First Appeal filed by the appellant could not be disposed of by the learned FAA for the reasons best known to him.
5. By virtue of **position** above and in the **circumstances** of the case, the Commission is of the considered view that it is a fit case to be **remanded back** to learned FAA with a direction to dispose of the Appellant's FA filed on **06.04.2016**, **in accordance with the provisions of RTI Act 2005**, and after giving an opportunity to the appellant of being heard, **within 30 days** from the date of receipt of this order under intimation to the Commission. As such, the case is **remanded back**.
6. The appellant is further granted a **liberty** to move a second appeal, under **section 19(3) of the RTI Act 2005**, before this Commission, in case, he is not satisfied with the decision of the FAA on the FA.

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

The CPIO

O/o. the Sub Divisional Magistrate (Central),
Union Territory Estate Office, Estate Office Building,
Sec-17, Chandigarh

Mr. T. R. Nangal

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