

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/2016/001285

Appellant : Shri P. Gopal Shastry
Post Bormar, Via-Mani, Bantwal Taluk
South Kanara District-574253

Public Authority : The AGM (E&P) & CPIO
M/o Consumer Affairs FCI, 16-20 Barakhamba Lane
New Delhi-110001

The GM (Region) & CPIO
FCI, Regional Office, 10th Eastern Main Road, Jaya Nagar, 4th Floor,
T-Block, Bengaluru, Karnataka

Date of Hearing : 04.10.2016
Date of Decision : 04.10.2016

Presence:

Appellant : Absent
CPIO : Shri L. Chatru Naik, DGM (R) & CPIO

FACTS:

- I. Vide RTI application dated **03.05.2016**, the Appellant sought information on **4 issues**.
- II. CPIO, vide its response dated **03.06.2016**, reportedly not provided the information to the Appellant.
- III. The First Appeal (FA) was filed on **14.06.2016**, as desired information not provided.
- IV. First Appellate Authority (FAA), vide its order dated **28.06.2016**, upheld the decision of CPIO.
- V. Grounds for the Second Appeal filed on **22.07.2015**, 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 **03.05.2016**, sought information from the respondents on **4 issues**. Respondents, vide their response dated **03.06.2016**, not provided the required information to the appellant. Being aggrieved

by the aforesaid response, FA was filed by the appellant on **14.06.2016** before the FAA, who vide his order dated **28.06.2016**, upheld the decision of CPIO. Hence, a Second Appeal before this Commission.

2. On being queried by the Commission, as to whether respondents have provided the required information to the appellant on his RTI application dated **03.05.2016** and learned FAA has disposed of the first appeal dated **14.06.2016** filed by the appellant under **section 19(1) of the RTI Act 2005** or not. On this very aspect, it is admitted by Shri L. Chatru Naik, DGM (R) & CPIO, that neither appellant's RTI application dated **03.05.2016** was responded properly by the respondents nor FA dated **14.06.2016** was disposed of by learned FAA. However, Shri L. Chatru Naik, DGM (R) & CPIO, is not in position to give any **plausible reasons** in this regard except the **lame excuses**. It also shows that officer of ... has been acting at his **whims and fancies** and not in accordance with the law.
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 his RTI application dated **03.05.2016**, respondent's response dated **03.06.2016**, FAA's order dated **28.06.2016**, other material made available on record and also the grounds of memorandum of second appeal.
4. 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 five months period**. Thus, the respondents **have defeated the very purpose** of the RTI Act 2005 for which it was legislated by Parliament of India. It is also admitted fact that, **as on date**, respondents failed to provide the required information to the appellant. As such, the Commission feels that appellant's second appeal deserves to be allowed in toto. Therefore, it is **allowed in toto**.
5. 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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