

CENTRAL INFORMATION COMMISSION
2nd Floor, 'B' Wing, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi -110067
Tel : +91-11-26717355

Appeal No. CIC/RM/A/2014/001757

Appellant: Mr. Ishwar Prasad Bhattacharya
R/o 100/8, B.T. Road,
Flat No. 4-B, 4th Floor,
PO/PS-Belghoria, Kolkata-700056

Respondent: Central Public Information Officer/Registrar,
High Court of Kolkata,
Kolkata-700001

Date of Hearing: 08.07.2016

Dated of Decision: 08.07.2016

ORDER

Facts:

1. This order is in continuance of the Commission's earlier order dated 10.05.2016 passed in the above cited case vide which the respondent was directed to file a report with the Commission in 15 days from the last date of hearing indicating the correct position in the matter.

Hearing:

2. Both the parties participated in the hearing through VC.
3. The respondent had filed one letter dated 21.05.2016 before the Commission vide which the respondent sought some more time to file such report.
4. The respondent stated that they need one month more time to search the documents of the information sought by the appellant.
5. The appellant referred to his RTI application dated 23.08.2013 and strongly objected with the contention of the respondent of seeking additional one month's time.
6. The appellant further objected with the contention of the respondent that the files were misplaced during the shifting of their office. The appellant

submitted that the documents sought by him are not misplaced but are being suppressed.

7. The respondent stated that they will search the documents that the appellant has sought in his RTI application within one month's time.

Discussion/ observation:

8. The appellant is entitled to be given the documents he has sought in his RTI application.

Decision:

9. The respondent is directed to search the documents sought and to give written reply to the RTI application of the appellant within 30 days from the date of this order and also file a report with the Commission within 30 days.

10. The Deputy Registrar may put up this order on 08.08.2016 with the reply to RTI sent by the respondent.

A copy of the order be given to the parties free of cost.

Sd/-

(Radha Krishna Mathur)
Chief Information Commissioner

Authenticated true copy

Sd/-
(S.C. Sharma)
Dy. Registrar

ADJUNCT ORDER DATED 31.07.2017

Hearing:

1. The instant matter was earlier heard on 08.07.2016. The matter is listed today for further hearing.

2. The appellant participated in the hearing through video conferencing. The respondent Shri Kunal Chatterji, Advocate participated in the hearing personally.

3. The appellant stated that the PIO has misled by informing regarding waiving of over-drawal of LTC of Hon'ble judges, whereas he wanted to know

the names of Judges of Hon'ble High Court, Calcutta who had allegedly overdrawn against the L.T.C. and medical bills.

4. The respondent stated that matter is presently pending before the 9 judge bench of Hon'ble Supreme Court of India in Civil Appeal No. 10044/2010. They will provide the information, based on the outcome of the judgement. The respondent further confirmed that the relevant files have since been traced.

Discussion:

5. Since the matter is sub-judice before the Hon'ble Supreme Court, it may be inappropriate to pass an order in this case at this stage. However, the respondent should ensure that records are kept safely and are not weeded out.

Decision:

6. The respondent is directed to take action to preserve records as mentioned in para 5.

7. The appeal is disposed of. However, the appellant is free to approach this Commission, after the Hon'ble Supreme Court's order in the matter.

Copy of the order be given to the parties free of cost.

(Radha Krishna Mathur)
Chief Information Commissioner

Authenticated true copy

(S.C. Sharma)
Dy. Registrar

Copy to: Shri Kamal Chatterji, Advocate,
C-4/81, Safderjung Development Area
Basement, New Delhi - 110016.