

CENTRAL INFORMATION COMMISSION

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File No : CIC/VS/A/2015/001762-AB

In the matter of:

S N Mishra
Opp- MIG/152
Vivek Vihar, Hanuman Nagar
Kankar Bagh
Patna-800020
Bihar

...Appellant

VS

CPIO
PIO/Accounts East Central Railway
Hajipur, Dist- Vaishali, Bihar-844101
&

CPIO
Office of the FA & CAO
East Central Railway
Hajipur

...Respondents

	Dates
RTI application	: 02.01.2015
CPIO reply	: 02.02.2015
First Appeal	: 24.02.2015
FAA Order	: 31.03.2015
Second Appeal	: 29.06.2015
Date of hearing	: 20.02.2017

Information sought:

The appellant had sought copy of the top sheets of answer sheets (Paper I) of the L.D.C examination, 2010-12, of those candidates to whom 90 or more marks were awarded in the

written examination and certified true copies of the answer sheets (Paper I) of those candidates.

Grounds for Second Appeal

The CPIO did not provide the desired information.

Order

Appellant : **Present**
Respondent : **PIO, Shri Aditya, Sr.AFAG**

During the hearing the respondent CPIO submitted that they had provided the necessary reply vide their letter dated 02.02.2015 in connection with the RTI application dated 02.01.2015. The appellant quoted the order of the commission in CIC/WB/A/2010/000712-SG of dated 12.04.12. He also relied on the decision in the case of Karnataka State Information Commission in AIC/196/APPL/2586, dated 15.09.2008.

Per contra, the respondent CPIO submitted that a vigilance case was pending against the appellant and all the records were available with the Vigilance department. The respondent CPIO relied on the decision of the Commission in the case of CIC/OK/A/2008/00342 dated 15.09.2008 and quoted para 6 (2) of the said order in which it was observed that “*answer sheet cannot be provided except the appellant’s own*”. **PIO, Shri Aditya, Sr. AFAG** submitted that appellant can come and the records will be shown to him only.

The appellant agreed to the above proposal of the CPIO.

Both the parties agreed for a joint inspection on a mutually convenient date and at mutually convenient time and place. The CPIO shall provide complete access to information relating to the appellant concerned.

The matter is under investigation in the vigilance department, the respondent CPIO submitted that they will be not in a position to provide records.

A status report shall be submitted by the CPIO within 1 month from the date of receipt of the order.

In view of the above, the appeal is disposed of.

[Amitava Bhattacharyya]
Information Commissioner

Authenticated true copy

(A.K. Talapatra)
Deputy Registrar

