

CENTRAL INFORMATION COMMISSION

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066

Decision No. CIC/CC/A/2015/002817/SB

Dated 20.09.2016

Appellant : Shri Prabhu Dayal Sharma,
S/o Shri Rajendra Prasad Sharma,
78, Defence Colony, Airforce Gate,
Bareilly, UP-243 002.

Respondent : Central Public Information Officer,
Department of Personnel & Training,
North Block, New Delhi-110 001.

Date of Hearing : 20.09.2016

Relevant dates emerging from the appeal:

RTI application filed on : 24.11.2014

CPIO's reply : 06.01.2015

First appeal filed on : 04.02.2015

FAA's order : 13.03.2015

Second Appeal filed on : 07.04.2015

ORDER

1. Shri Prabhu Dayal Sharma filed an application dated 24.11.2014 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Department of Personnel & Training (DoPT) seeking information on eleven points pertaining to the new pension system.

2. The appellant filed the second appeal dated 07.04.2015 before the Commission on the grounds that he has not been provided complete information on point nos. 3,4,5,6,8 and 10 of the RTI application.

Hearing:

3. The appellant Shri Prabhu Dayal Sharma was not present despite notice. The respondent Shri R.K. Girdhar, Under Secretary, DoPT was present in person.

4. The respondent submitted that point wise information has been provided to the appellant vide letter dated 06.01.2015. However, on a specific query of the Commission, the respondent admitted that incorrect information on point nos. 3 and 4 of the RTI application was provided. The respondent further submitted that the same was due to oversight and requested the Commission to condone the lapse. With regard to point nos. 5 and 6 of the RTI application, the respondent submitted that the information is available in public domain on the website of the DoPT and information which is available in public domain need not be given under the RTI Act. In order to substantiate the same, the respondent relied on the case of *Shri K. Lall v Sh M K Bagri, Assistant Registrar of Companies & CPIO*, Appeal No. CIC/AT/A/2007/00112 dated 2/04/2007, wherein, a coordinate bench of the Commission has held as under:

“.....it would mean that once certain information is placed in public domain accessible to the citizens either freely or on payment of a predetermined price, that information cannot be said to be ‘held’ or ‘under the control’ of the public authority and thus would cease to be an ‘information’ accessible under the RTI Act.”

With regard to point nos. 8 and 10 of the RTI application, the respondent submitted that the same pertains to the Vigilance Section (V-III) of the DoPT

and therefore, the RTI application as well as the first appeal of the appellant were transferred by the Nodal CPIO, DoPT to the concerned section on 08.12.2014 and 16.02.2015 respectively.

Decision:

5. The Commission, after hearing the respondent and perusing the records, directs the respondent to provide correct and specific information on point nos. 3 and 4 of the RTI application. The Commission, also directs the CPIO, Vigilance Section, DoPT to provide information on point nos. 8 and 10 of the RTI application to the appellant free of cost. The above direction shall be complied with within a period of four weeks from the date of receipt of a copy of this decision.

6. With the above observations, the appeal is disposed of.

7. Copy of decision be given free of cost to the parties.

(Sudhir Bhargava)
Information Commissioner

Authenticated true copy

(V.K. Sharma)
Designated Officer