

CENTRAL INFORMATION COMMISSION

Room No. – 308, 2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110066.
Website: cic.gov.in

File No. CIC/SS/A/2013/003013/KY

Appellant : Shri Vidhyadhar Pandey
1901, Gaur Vaishvik Gram
Chatushpath Gantantra, Ghaziabad
Uttar Pradesh-201016

Public Authority : The CPIO
CAG, O/o the Comptroller & Auditor General of India,
9, Deendayal Upadhyaya Marg, New Delhi-110124

Date of Hearing : 26.09.2016
Date of Decision : 26.09.2016

Presence:

Appellant : Shri Vidhyadhar Pandey
CPIO : Ms. A Fani Rao, Dy. Director & APIO

FACTS:

- I. Vide RTI application dated **03.04.2013**, the appellant sought information on **10 issues**.
- II. CPIO, vide its response dated **26.04.2013**, reportedly not provided the information to the Appellant.
- III. The First Appeal (FA) was filed on **05.05.2013**, as desired information not provided.
- IV. First Appellate Authority (FAA), vide its order dated **23.05.2013**, upheld the decision of CPIO.
- V. Grounds for the Second Appeal filed on **17.11.2013**, are contained in the Memorandum of Second Appeal.

HEARING

Appellant as well as respondent 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 **03.04.2013**, sought information from the respondents on **10 issues**. Respondents, vide their response dated **26.04.2013**, allegedly not provided the required information to the appellant. Being aggrieved by the aforesaid response, FA was filed by the appellant on **05.05.2013** before

the FAA, who vide his order dated **23.05.2013**, upheld the decision of CPIO. Hence, a Second Appeal before this Commission.

2. It is pertinent to mention here that the CPIO, vide his response dated **26.04.2013**, provided the **vague & incorrect** information to the appellant. Further, learned FAA, vide his order dated **23.05.2013**, disposed of the FA by upholding the views of CPIO, **without application of his mind**, as to whether the complete and categorical information has ever been provided to the appellant **on all issues or not**. As such, CPIO's response dated **26.04.2013** and Learned FAA's order dated **23.05.2013**, deserve to be **quashed and set aside**. Therefore, these are hereby quashed and set aside being **not legally tenable**..
3. The Commissioner heard the submissions made by appellant as well as respondents at length. The Commission also **perused** the case-file **thoroughly**; specifically, **nature of issues** raised by the appellant in his RTI application dated **03.04.2013**, respondent's response dated **26.04.2013**, FAA's order dated **23.05.2013**, 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 forty-two months period**. Thus, the respondents **have defeated the very purpose** of the RTI Act 2005 for which it was legislated by Parliament of India. 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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