

CENTRAL INFORMATION COMMISSION

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

File No. CIC/VS/C/2013/000574/KY

Complainant : Shri Birendra Kumar
C/o. Omprakash
House No. B-66, Ashokpuri, Khajpura
Bailey Road, Patna, Bihar-800014

Public Authority : The CPIO
Food Corporation of India (M/o Consumer Affairs)
Head Quarters, 16-20, Barakhamba Lane,
Cannaught Place, New Delhi-01

Date of Hearing : 20.09.2016
Date of Decision : 20.09.2016

Presence:

Complainant : Absent
CPIO : Ms. Kamna Gyan, AGM (RPI) & CAPIO

FACTS:

- I. Vide RTI application dated **22.03.2013** & **25.03.2013**, the Complainant sought information on the issues.
- II. CPIO, vide its response dated **02.04.2013**, **03.04.2013** & **08.05.2013**, reportedly not provided the information to the Complainant.
- III. The First Appeal (FA) was filed on **02.05.2013** & **03.05.2013**, as desired information not provided.
- IV. First Appellate Authority (FAA), vide its order dated **18.06.2013**, has provided the information to the Appellant.
- V. Grounds for the Complaint filed on **05.09.2013**, are contained in the Memorandum of Complaint.

HEARING

Complainant opted to be absent despite of our due notice to him. Respondents appeared before the Commission personally and made the submissions at length.

DECISION

2. It would be seen here that the complainant, vide his RTI Applications dated **22.03.2013** & **25.03.2013**, sought information from the respondents on the issues as contained therein. Respondents vide their response dated **02.04.2013**, **03.04.2013** & **08.05.2013**,

transferred the complainant's RTI application to the concerned Public Authority for taking necessary action. Being aggrieved by the aforesaid response, FAs were filed by the complainant on **02.05.2013 & 03.05.2013** before the FAA, who vide its order dated **18.06.2013**, disposed of the FAs by providing the some information to the Appellant. Further, another CPIO vide his responses dated **15.05.2014 & 16.09.2014 (though at belated stage)**, provided the required information to the complainant.

3. Further, a query was posed by the Commission to Ms. Kamna Gyan, AGM (RPI) & CAPIO, as to what was the **reasons** for providing the required information to the complainant at such **belated stage** i.e. **after expiry of 500 days**, which is much beyond the **statutory period of 30 days** as provided under the provisions of RTI Act 2005. On this very aspect, Ms. Kamna Gyan, AGM (RPI) & CAPIO, seems to be not in a position to respond the query posed by the Commission except **lame excuses** in this regard. Thus, it shows that officers of '*Food Corporation of India (M/o Consumer Affairs)*' have been acting at their **whims and fancies** and not in accordance with the provisions of Law. As such, the respondents are hereby warned not to act at their whims & fancies but to act in accordance with the Law, **in future**, otherwise, the Commission would be **left with no option but to take necessary action** as per provisions of RTI Act 2005.
4. Apart from above, it is to be seen here that despite of our **due notice**, Complainant failed to appear **either in person** or through someone, duly authorized by him before the Commission to press his case. However, the Commission feels that complainant must have appeared, in such situations, to press his complaint before the Commission, after all, it is his case to be pursued specifically but complainant is absent **deliberately**, despite of our due notice. Thus, it shows the intention of the complainant that he is not interested, **at all**, in pursuing his own case before the Commission.
5. In view of the above, the Commission feels that **no fruitful purpose** would be served by proceeding **in such cases**. Thus, the Commission is of the considered view that it would be **appropriate and even justified** to **dismiss** the case. Therefore, it is hereby **dismissed**.

The complaint is dismissed accordingly

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)

Deputy Secretary

The CPIO
M/o Consumer Affairs,
Food Corporation of India
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