

CENTRAL INFORMATION COMMISSION

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

Decision No. CIC/SB/C/2015/000017

Dated 17.10.2016

Complainant : Shri Ashutosh Gautam,
Flat No. B-12,
Krishi Vihar,
J.B. Tito Marg,
New Delhi-110048.

Respondent : The Central Public Information Officer,
Central Information Commission,
2nd Floor, B-Wing,
August Kranti Bhawan,
Bhikaji Cama Place,
New Delhi-110 066.

Date of Hearing : 17.10.2016

Relevant dates emerging from the complaint:

RTI application filed on : 27.04.2015

CPIO's reply : 30.06.2015

Complaint filed on : 09.07.2015

ORDER

1. Shri Ashutosh Gautam filed an application dated 27.04.2015 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Central Information Commission (CIC) seeking information on five points pertaining to his application dated 19.01.2015, including (1) certified copy of action taken by the CIC on his application dated 19.01.2015, (2) if no action has yet been taken, provide certified copy of reason, if any, for not taking action on his application and (3) if no action has yet been taken specify the time by which action would be taken.

2. Shri Ashutosh Gautam filed a complaint dated 09.07.2015 before the Commission on the grounds that the CPIO has mechanically and without going through the contents of his RTI application, provided incomplete, misleading and arbitrary response with a delay of around 34 days. The appellant requested the Commission to direct the concerned CPIO to provide the information immediately free of cost, impose penalty for delaying the information and award compensation to him.

Hearing:

3. The complainant Shri Ashutosh Gautam was not present despite notice. The respondents S/Shri Ashok Sharma, Nodel CPIO and V.K. Sharma, CPIO and DR to IC(SB) were present.

4. The respondent submitted that a reply to the online RTI application dated 19.04.2015 was provided by the then CPIO and DR to IC(KY) on 30.06.2015 wherein the delay in providing the information was also regretted.

Decision:

5. The Commission, after hearing the submissions of the respondent and perusing the records, observes that the complainant had filed a petition dated 19.01.2015 addressed to the Chief Information Commissioner wherein a request was made for issuing suitable instructions to the Information Commissioner to decide the matter on merits as the same had been dismissed in default vide order dated 06.01.2015. The Commission further observes that a reply to the RTI application was sent by the then CPIO and DR to IC(KY) stating that there is no express or enabling provision in the RTI Act 2005 under which the case could be reviewed by the Commission.

6. With the above observations, the appeal is disposed of.
7. Copy of the decision be provided to both the parties free of cost.

(Sudhir Bhargava)
Information Commissioner

Authenticated true copy

(V.K. Sharma)
Designated Officer