

**CENTRAL INFORMATION COMMISSION**

**Club building, Opposite Ber Sarai Market, Old JNU Campus, New Delhi- 110067.**

**Tel: 011 - 26182593/26182594**

**Email: registrycab@gmail.com**

**File No : CIC/RM/A/2014/002288**

**In the matter of:**

Shri Abdullah Rafique  
Q.No. 1/46/1, Type-III, Ordnance Factory  
Ambajhari Estate, Nagpur-440021

...Appellant

Vs.

Central Public information Officer  
M/o Defence,  
Ordnance Factory Ambajhari,  
Nagpur-440021

..Respondent

Dates

RTI application	:	29.07.2013
CPIO reply	:	26.08.2013
First Appeal	:	03.10.2013
FAA Order	:	Not on order
Second Appeal	:	11.02.2014
Date of hearing	:	30.08.2016

**Information sought:**

The appellant had sought the following information:

- i) Certified copy of the terms and references of the BOE ( Board of Enquiry).
- ii) Certified copies of the statements by individual officers made to BOE against whom complaint was made by the undersigned.
- iii) Certified copy of the recommendation of BOE to competent authority and
- iv) Certified copy of the remark/decision made by the competent authority on the recommendation of BOE.

**Grounds for Second Appeal**

The CPIO did not provide the desired information.

## **Order**

**Appellant** : **Absent**  
**Respondent** : **APIO, M.S. Rai Chaudhary, Office Suptdt.**

During the hearing the respondent APIO submitted that due to administrative reason which is mentioned elaborately in CPIO's communication, the sought for information was not provided to the appellant. Same stand had been taken by the FAA. Since the FAA's order was not on record, the respondent APIO was directed to provide the same through e-mail to the Commission for perusal. After perusing the record, it is seen that the CPIO has not quoted any exemption under the RTI Act while denying the information. The denial of information to the appellant is confirmed from the FAA's order.

On the ground of administrative reason, denying the information was not correct. However, administrative delay or administrative reason is not a valid ground for denial of information under the RTI Act. The CPIO is directed to provide information as available on record to the appellant after applying the severability clause as prescribed u/s 10 of the RTI Act in respect of the point (ii) of the RTI application dated 29.07.2013. Section 10 should be applied as the said information seeks to be under the ambit of the provision contained in S-8(1) (g) of the Act. The names, addresses of such persons may be concealed while giving copies of their statements. Rest of the information is eminently disclosable under the RTI Act.

In view of the above, the CPIO is directed to provide to the appellant point wise reply as discussed above within a period of 21 days from the date of receipt of the order. ***With the above direction, the appeal is disposed of.***

**[Amitava Bhattacharyya]**  
**Information Commissioner**

Authenticated true copy

(A.K.Talapatra)  
Dy. Registrar

