

केन्द्रीय सूचना आयोग
Central Information Commission
बाबा गंगनाथ मार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नई दिल्ली, New Delhi – 110067

File No : CIC/DEXSW/A/2017/185758/SD

Nirmal Singh Dhiman

....अपीलकर्ता/Appellant

VERSUS

बनाम

CPIO,

Department of Ex-Servicemen Welfare,
Sena Bhawan,
New Delhi- 110011.

... प्रतिवादीगण /Respondent

RTI application filed on	:	14/09/2017
CPIO replied on	:	06/10/2017
First appeal filed on	:	22/10/2017
First Appellate Authority order	:	16/11/2017
Second Appeal dated	:	23/12/2017
Date of Hearing	:	19/12/2018
Date of Decision	:	19/12/2018

Information sought:

The Appellant sought copy of office noting on his representations dated 05.06.2017 and 14.08.2017 addressed to Sanjay Mitra, Defence Secretary.

Grounds for the Second Appeal:

The CPIO has not provided the desired information.

Relevant Facts emerging during Hearing:

The following were present:-

Appellant: Present in person.

Respondent: R.K. Arora, US & CPIO, Department of Ex-Servicemen Welfare, Sena Bhawan, New Delhi present in person and Capt. Sandeep Lakhanpal, Records Officer & PIO, BEG Records, Pune present through VC.

Appellant stated that he is not satisfied with the reply of the CPIO and stated that the claim of CPIO regarding non receipt of representations dated 05.06.2017 & 14.08.2017 is false and misleading as he has sufficient proof of receipt of both the representations mentioned in his RTI application.

CPIO submitted that the reply provided to the Appellant was as per record and also agreed to abide by the order of the Commission.

Decision

Commission observes from the perusal of facts on record that no information has been sought at para iii (b) of the RTI Application as per Section 2(f) of the RTI Act as the query is speculative in nature.

Commission takes into account the insistence of the Appellant that he has relevant proof of delivery of the two letters mentioned at **paras iii (a) and iii (c)** of the RTI Application. In view of this, CPIO is directed to make fresh efforts to trace the letters under reference as well as corresponding noting(s) and provide the same to the Appellant. The said information will be provided free of cost and a compliance report to this effect shall be duly sent to the Commission.

In the event, the averred letters and corresponding noting(s) remain untraceable, Commission directs the CPIO to file an appropriate affidavit to this effect stating the efforts made in tracing out the information and the factum of non-receipt of letters and unavailability of file noting(s). The said affidavit should be sent to the Commission with its copy duly endorsed to the Appellant.

The aforesaid directions should be complied within 30 days from the date of receipt of this order. **The appeal is disposed of accordingly.**

Divya Prakash Sinha (दिव्य प्रकाश सिन्हा)
Information Commissioner (सूचना आयुक्त)

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(अभिप्रमाणित सत्यापित प्रति)

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दिनांक / Date

