

**Central Information Commission**

Room No.306, II Floor, B Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066

Tele:011-26180512 & 011-26717355 Fax : 01126106145 website-cic.gov.in

**Appeal: No. CIC/SM/A/2013/000672/DS**

—  
Appellant /Complainant : **Shri Sanjiv Chaturvedi (Present)**

Public Authority : **Central Vigilance Commission  
(Shri R.N. Nayak, OSD and Shri Raj  
Kumar, SO)**

**Date of Hearing : 15 November 2013**

**Date of Decision : 15 November 2013**

**Facts:-**

1. The Appellant had filed two separate even dated second appeals arising out of separate RTI application, even dated CPIO reply, first appeal and FAA order, which has been inadvertently registered in a single file. The Commission has decided to treat the same as single appeals both involves similar facts and question of law.
2. In his RTI application dated nil and 24 September 2012 the applicant has sought from the CPIO, Central Vigilance Commission, New Delhi, information as to in how many autonomous organizations under the Central Government prior approval of the CVC was taken before the appointment of fulltime/part time CVO, in how many cases CVC had raised any objection, documents related to such objections, information regarding CVOs, working in autonomous organizations of the Central Government, copy of file/notings/correspondence relating to appointment of CVO in AIIMS, documents relating to objection if any raised by CVC when communication regarding assigning of the work to CVO at AIIMS was sent to CVC, certified copy of the specific section of CVC Act, 2003 empowering CVC

to enforce their direction regarding the choice of CVO on an autonomous research & medical institute, AIIMS and other related information through 5 points.

3. The CPIO vide his order dated 18 October 2012 denied the information sought by the appellant in terms of Section 7(9), 8(1) (h) of the RTI Act, 2005 and informed the appellant that information pertaining to specific section of CVC Act, 2003 is available in public domain i.e. on the website of the Commission.
4. Not satisfied with the reply of the CPIO, appellant preferred appeals' dated 2 November 2012 before the FAA.
5. The FAA by his order dated 21 November 2012 endorsed the stand taken by the CPIO and disposed of the appeal, further elaborating that:
  - a) the Commission maintains its records as per the names and designations of the officers concerned and/or the organizations and not in the format in which the information has been sought by the appellant, hence the same cannot be provided in terms of Section 7(9) of the Act;
  - b) the issue of appointment of CVO in AIIMS is under consideration and a final view in the matter had not been taken. Since the final decision has not been taken, the case is considered as 'under investigation' and information sought is exempted under Section 8 (1) (h) of the Act;
  - c) and that the CVC Act, 2003 is available on the Commission's website in public domain under the head

CVC Act, hence the information sought cannot be considered as held by the Commission.

6. Thus aggrieved by the order passed by the FAA, the Appellant filed his second appeal before the Commission.
7. Matter was heard today. Both parties as above appeared in person and made submissions. During the hearing, the Appellant has agreed to restrict the information sought by him to those autonomous organisations which are under the Ministry of Health and Family Welfare. Respondent CPIO has agreed to provide the information as sought by the Appellant in respect of these organisations.

**Decision Notice**

8. After hearing both parties Commission directs the CPIO to provide inspection of the files holding information pertaining to the appointment of full-time/part-time CVO by the autonomous organisations under the Ministry of Health and Family Welfare at a mutually convenient date and time within four weeks of receipt of the order.

**(Smt. Deepak Sandhu)**  
**Chief Information Commissioner**

Authenticated true copy:

**(Vijay Bhalla)**  
Deputy Registrar  
Tel. No. 011-26183996

Copy to:-

Shri Sanjiv Chaturvedi,  
IFS,  
House No. D-II 8, Gate No. 05,  
Ansari Nagar, AIIMS Campus,  
New Delhi

Central Public Information Officer  
Central Vigilance Commission,  
Satarkta Bhawan, GPO Complex,  
Block A, INA, New Delhi – 110 023.

First Appellate Authority  
Central Vigilance Commission,  
Satarkta Bhawan, GPO Complex,  
Block A, INA, New Delhi – 110 023.