

CENTRAL INFORMATION COMMISSION

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

File No. CIC/KY/A/2014/001106

Appellant : Shri R. Anbuvendhan
No. 730-A/136, Thandavarayan Chattiram
Shenoy Nagar, Chennai-600030

Public Authority : The CPIO
M/o Social justice and Empowerment,
National Commission for Scheduled Caste,
Loknayak Bhawan, 5th Floor, Khan Market, Delhi-110003

Date of Hearing : 26.02.2015
Date of Decision : 26.02.2015

Presence:

Appellant : Absent
CPIO : Sh. Babu Lal, Section Officer & CPIO

FACTS:

1. Vide RTI application dated 22.04.2014, the Appellant sought information on the 2 **issues**.
2. CPIO, vide its response dated 08.05.2014, 26.06.2014, 10.07.2014, 22.07.2014, 20.08.2014, has not provided the information to the appellant.
3. The First Appeal (FA) was filed on 05.06.2014, as the desired information was not provided.
4. First Appellate Authority (FAA), on 13.06.2014, upheld the decision of CPIO.
5. Grounds for the Second Appeal filed on 19.09.2014 are contained in the Memorandum of Appeal.

HEARING

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

DECISION

It would be seen here that the appellant, vide his RTI Application dated **22.04.2014**, sought information from the respondents on **two issues**. Respondents, vide their response dated **08.05.2014, 26.06.2014, 10.07.2014, 22.07.2014 & 20.08.2014**, allegedly not provided the required information to the appellant. Being aggrieved by the aforesaid response, FA was filed by the appellant on 05.06.2014 before the FAA, who vide his order dated 13.06.2014, upheld the decision of CPIO. Hence, a Second Appeal before this Commission.

2. It is pertinent to mention here that the CPIO, vide his various responses dated **08.05.2014, 26.06.2014, 22.07.2014 & 20.08.2014**, **transferred** the appellant's RTI application to the concerned public authority for taking necessary action. However, CPIO vide his response dated **10.07.2014**, **not provided** the required information to the appellant. Further, learned FAA, vide his

order dated **13.06.2014**, **without application of his mind**, disposed of the FA by upholding the views of CPIO's reply dated **08.05.2014**.

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3. On being queried **thrice** by the Commission, as to who is the First Appellate Authority, pertaining to the case in hand. On this very aspect, he is not in position to respond the query posed by the Commission but argued **illogically** on **irrelevant** issues, despite of restraining by the Commission. Thus, it shows that Sh. Babu Lal, Section Officer & CPIO appeared **without preparation of the case and tried to mislead the Commission**. Thus, it would be appropriate and even justified to ask **the Secretary of Nation Commission For Scheduled Castes**, not to depute **such type of officers** to appear before this Commission for the name sake only and **this would be in the interest of work**.

4. The Commission heard the submissions made by respondents at length. The Commission also **perused** the case-file **thoroughly**; specifically, **nature of issues** raised by the appellant in his RTI application dated **22.04.2014**, respondent's response dated 08.05.2014, 26.06.2014, **10.07.2014**, 22.07.2014 & 20.08.2014, FAA's order dated 13.06.2014 and also the grounds of memorandum of second appeal.

5. The Commission is of the considered view that the appellant has been **deprived** by the respondents **deliberately** from having the benefits of the RTI Act 2005, **even after lapse of more than nine months period**. Thus, the respondents **have defeated the very purpose** of the RTI Act 2005 for which it was legislated by Parliament of India. As such, the Commission feels that appellant's second appeal deserves to be allowed in toto. Therefore, it is **allowed in toto**.

6. In view of the above, the respondents are hereby directed to provide the **complete and categorical** information, **issue-wise**, to the appellant as per his RTI application, within 30 days from the date of receipt of this order under intimation to this Commission. **If need be, Section 5(4) of the RTI Act 2005 be also invoked in the matter**.

The Appeal is disposed of accordingly.

Sd/-
(M.A. Khan Yusufi)
Information Commissioner

Authenticated true copy

(K. L. Das)
Deputy Registrar

Dr. Vinod Aggarwal
Secretary
Nation Commission for Scheduled Castes,
5th Floor, Lok Nayak Bhawan, Khan Market,

New Delhi-110003

{For information and necessary action.}

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The CPIO

M/o Social justice and Empowerment,
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