

CENTRAL INFORMATION COMMISSION

Club Building, Opposite Ber Sarai Market,

Old JNU Campus, New Delhi - 110067.

Tel: +91-11-26161796

Decision No. CIC/SG/C/2011/001547/16644

Complaint No. CIC/SG/C/2011/001574/

COMPLAINT REMANDED TO

First Appellate Authority
Ministry of Information & Broadcasting
O/o The Under Secretary,
BA-P Section,
Shastri Bhawan, New Delhi-110001.

Complainant

Mr. S D Shastri
69/3, Veer Tejaji Road,
Mansarovar, Jaipur -302020
Rajasthan.

Public Information Officer

Public Information Officer
Ministry of Information & Broadcasting
O/o The Under Secretary,
BA-P Section,
Shastri Bhawan, New Delhi-110001.

Facts arising from the Complaint:

The Complainant had filed a RTI application with the PIO on 19-10-2011 asking for certain information. He received a reply from the PIO, which he found unsatisfactory. The Complainant therefore filed a Complaint with the Commission (22-12-2011) under Section 18 of the RTI Act. It must be noted that there is an alternate and efficacious remedy of First Appeal available under section 19(1) of the RTI Act. It appears that the Complainant has failed to avail the same in the instant case. Consequently, the First Appellate Authority (FAA) has not had the chance to review the PIO's decision as envisaged under the RTI Act.

Decision

In view of the aforesaid, the instant matter is remanded to the FAA.

The Commission hereby directs the FAA to treat the copy of the Complaint (enclosed herewith) as the First Appeal and decide the matter in accordance with the provisions of the RTI Act after giving all concerned parties an opportunity to be heard.

The FAA is directed to peruse all the relevant documents during the hearing and examine whether the information provided by the PIO is complete, relevant and correct. Where the FAA is satisfied that the information provided by the PIO is as per the records, the First Appeal shall be disposed of. In the event, there are any deficiencies in the information provided by the PIO, the FAA shall direct the PIO to provide the complete information in reply to the RTI application to the Complainant.

The Complaint is disposed off.

Shailesh Gandhi
Information commissioner
December, 29th, 2011.

Notice of this decision be given free of cost to the parties.

Enclosed: Copy of Complaint (Received) dated 22/12/2011.
Copy of PIO's reply dated dt. 14-11-2011; and
Copy of RTI application dated 19-10-2011

(BK)