

Central Information Commission

Mr.Jagdish Chander vs Ministry Of External Affairs on 16 November, 2011

CENTRAL INFORMATION COMMISSION

Club Building (Near Post Office)

Old JNU Campus, New Delhi - 110067

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Decision No. CIC/SG/A/

Appeal No. CIC

Relevant Facts

emerging from the Appeal Appellant : Mr. Jagdish Chander 23 Old Rajender Nagar Market New Delhi-110060 Respondent (1) : CPIO, Ministry of External Affairs, Akbar Bhawan, New Delhi (2) Mr. Bidhi Chand Public Information Officer & Dy. Passport Office Ministry of External Affairs CPV Division Patiala House, Annex, Tilak Marg, New Delhi RTI application filed on : 25/10/2010 PIO replied : 03/03/2011 First appeal filed on : 30/12/2010 First Appellate Authority order : 29/03/2011 Second Appeal received on : 15/07/2011 Information Sought:

1. The Appellant had sought information on status of legal notices sent to Consulate General of India (CGI) San Francisco USA on 06/09/2010.

Reply of the Public Information Officer (PIO): (After the First appeal) Earlier the matter was referred to CGI San Francisco over the RTI information sought. Apparently they have the CPV Division and the information has now been requested to them and the information shall be provided shortly.

Grounds for the First Appeal:

No information provided by the PIO.

Order of the First Appellate Authority (FAA): The FAA had said that there was no delay from the ministry's part as the delay was from your side as the Appellant had provided incomplete information in the application so filed and the Appellant was advised to comply with the Government of India's requirements. The allegation that the Consul general intentionally went out of jurisdiction is without foundation. The appeal was disposed off as the allegations made by the Appellant against the officers were also disposed.

Grounds for the Second Appeal:

Incomplete information provided by the PIO and unfair disposal of the appeal by the FAA. Relevant Facts emerging during Hearing:

The following were present Appellant : Mr. Jagdish Chander;

Respondent : Mr. P. Roychaudhuri, Advocate on behalf of Mr. Bidhi Chand, Public Information Officer & Dy. Passport Office;

The Appellant has sought information about the action taken on his legal notice. The appellant has stated that he has given a legal notice to six different people among them one of notice is said to have been served to Minister of External Affairs, Government of India. The Commission directs the CPIO, Ministry of External Affairs, Akbar Bhawan, New Delhi to inform the Appellant if any action has been taken with regard to the Appellant's legal. If no action has been taken the Appellant should be informed accordingly.

Decision:

The Appeal is allowed.

The CPIO, Ministry of External Affairs, Akbar Bhawan, New Delhi is directed to provide the information as directed above to the Appellant before 10 December 2011.

This decision is announced in open chamber. Notice of this decision be given free of cost to the parties. Any information in compliance with this Order will be provided free of cost as per Section 7(6) of RTI Act.

Shailesh Gandhi Information Commissioner 16 November 2011 (In any correspondence on this decision, mention the complete decision number.)(GS)