

Central Information Commission

Mr.Kamal Kishorethathera vs Ministry Of Railways on 6 August, 2010

Central Information Commission

Name of the Applicant : Shri Kamal Kishore Thathera

Name of the Public Authority : North Western Railway HQ

Background

1

The Applicant filed an RTI application dt.17.9.09 with the PIO, North Western Railway HQ, Jaipur.

He sought the following information with regard to two representations dt.10.1.05 and 12.1.05:

- i) Which of the Para of his representation found true and which found false
- ii) If his complaint was right, whether any one was found guilty in delaying his case and penalized or at least counseled
- iii) To provide an attested copy of fact finding enquiry if conducted
- iv) If it was decided not to conduct any enquiry, the reasons for this decision may be apprised u/s 4(1)(d) as he has been affected by this decision.
- v) To provide attested copies of the files used in taking action on his applications/representations.

Shri Rajeev Singh, PIO replied on 7.10.09 stating that the information sought does not fall under the definition of 'information' as defined u/s 2(f) of the RTI Act. Not satisfied with the reply, the Applicant filed an appeal dt.18.11.09 with the Appellate Authority reiterating his request for the information. The Appellate Authority replied on 22.12.09 directing the Nodal Officer to provide the information within 10 days. On not receiving any information, the Applicant filed a second appeal dt.1.4.10 before the CIC stating that the decision of the Appellate Authority had not been complied with.

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The Bench of Mrs. Annapurna Dixit, Information Commissioner, scheduled the hearing for August 6, 2010.

3. Shri Rajeev Singh, PIO and Shri M.K.Sharma, APIO represented the Public Authority.

4. The Applicant was not present during the hearing.

#### Decision

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Shri Rajeev Singh, Respondent PIO submitted that the Appellate Authority in his order dt.22.12.09 had directed the Nodal officer to provide the information. He further added that in compliance with the order of the Appellate Authority, the Appellant was informed on 26.4.10 that he had already been informed on 12.1.10 that the telegram and representation sent by the Appellant on 10.1.05 and 12.1.05 had not been received in the office.

6. The Commission after hearing the submission of the Respondent and as suggested by the Respondent, advises the Appellant to provide the photocopies of the representations to the PIO and urges the PIO and AA to give a personal hearing to the Appellant and to try and settle the issues as mentioned by the Appellant in his representations, at the earliest.

7. The appeal is dismissed.

(Annapurna Dixit) Information Commissioner Authenticated true copy:

(G.Subramanian) Deputy Registrar Cc:

1. Shri Kamal Kishore Thathera Opp: A One Kashida Center Farason Ka Bangala Moti chowk Jodhpur 342 001

2. The PIO North Western Railway Headquarter Office Hasanpura Road Jaipur

3. The Appellate Authority North Western Railway Headquarter Office Hasanpura Road Jaipur

4. Officer incharge, NIC