

CENTRAL INFORMATION COMMISSION
Complaint No. - CIC/WB/C/2007/00871 dated 12.11.'07
Right to Information Act- Section 18 (1) (e)

Complainant: Shri S. P. Goyal

Respondent: Department of Administrative Reforms, Public Grievances,
Ministry of Personnel, Public Grievances & Pensions,

Facts:-

The Commission has received an appeal from Shri S. P. Goyal of New Marine Lines, Mumbai complaining that his request under RTI Act, 2005 submitted to Central Public Information Officer, Department of Administrative Reforms & Public Grievances, New Delhi seeking information regarding his two grievance petitions filed with the department has not been processed & responded to appropriately, giving no information or details of the appellate authority, even though the same was duly submitted along with the requisite fee dated 08-08-2007. The CPIO, in his reply dated 07-09-2007, informed the appellant that his grievance petitions had already been forwarded to the concerned organization i.e. Central Board of Excise & Customs for examination and redress under intimation to the complainant Shri Goyal.

Admitting the appeal of Shri Goyal as a complaint under Section 18(1) (e) of RTI Act, 2005 the Commission issued a notice to the CPIO, Department of Administrative Reforms & Public Grievances for furnishing comments on the complaint. But no comments have been received from him.

Decision Notice

It is obvious from the facts available on the record provided by the complainant Shri Goyal in his petition that the request has been responded to by the CPIO well within the time mandated by Sec 7(1). But the information, as desired by the complainant, has not been supplied by respondent because as intimated by him, the information is held by the Central Board of Excise & Customs, New Delhi to whom the grievance petitions of the complainant had

been forwarded for examination and redress of grievances of the complainant. However, if this was the CPIO's conclusion, as complainant Shri Goyal has rightly pleaded in his grounds for appeal. CPIO Shri Badri Prasad Deputy Director (PG) was required to transfer the application of Shri Goyal to the CPIO of the concerned public authority under sub-section (i) Section 6(3) of the RTI Act, 2005 which has not been done. In light of the above CPIO Shri Badri Prasad, Department of Administrative Reforms & Public Grievances is hereby directed u/s 19 (8) (a) to adhere more carefully in future to the provisions of the law while dealing with applications filed under Right to Information Act, 2005.

Nevertheless, because the 1st appellate authority has not addressed the questions of appellant, which are of direct concern to his public authority and because appellant has pleaded no ground for making a direct complaint to us u/s 18, other than the failure of CPIO to provide the identity of appellate authority, or apprehension of malafide on the part of the Department of Administrative Reforms & Public Grievances, the Commission has decided to **remand this appeal to the First Appellate Authority & Deputy Secretary (PG), Shri Manish Mohan, Department of Administrative Reforms & Public Grievances, Sardar Patel Bhawan, Sansad Marg, New Delhi, to dispose of the issue raised by the complainant Shri Goyal in his complaint petition including, if required ordering transfer of the application to the authority concerned in accordance with Sec 6 (3), treating this complaint as 1st appeal u/s 19(1) of RTI Act, within 10 working days from the date of receipt of this order** under intimation to Shri PKP Shreyaskar Jt Registrar, Central Information Commission. If not satisfied with the information so provided, the complainant Shri Goyal is free to move a 2nd appeal u/s 19(3) before us.

The appeal is disposed of accordingly. Notice of this decision be given free of cost to the parties.

Wajahat Habibullah
(Chief Information Commissioner)
29-06-2009

Authenticated true copy, additional copies of order shall be supplied against application and payment of the charge prescribed under the Act to the CPIO of this Commission.

Pankaj K. P. Shreyaskar
Joint Registrar.
29-06-2009