

F. No. PB/RTI/279/2018-19
CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

61/35, Copernicus Marge,
New Delhi-110001.

Dated:31.01.2019

Appeal No. CADNT/A/ 2019/60009
Appeal No. 33

Sh. Pradyuman Bisht

Appellant

CPIO
Central Administrative Tribunal

Respondent

Facts:

This first appeal has been received through online RTI portal on 23.01.2019. It has been filed against the reply dated 16.01.2019 of the CPIO to the RTI application dated 12.09.2018 of the appellant herein, which was uploaded on RTI online portal on 21.01.2019. The facts of the present Appeal is that the appellant has filed RTI application dated 14.12.2018 wherein the Appellant had sought a certified copy of order of constitution a Board to examine the places of installation of CCTVs with audio facility inside Court Rooms of CAT, number of meeting held by the Board and a copy of minutes of the meetings.

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I gone through the Appellant RTI application, dated 14.12.2018 and appeal dated 23.01.2019 and reply given by the CPIO thereto. By reply dated 16.01.2019, the CPIO has informed the appellant that file is under submission with the Higher Authorities and had not been received back in the Branch and accordingly, the information sought for in RTI application will be provide as and when the file is received in the Branch. I feel that the appellant is justified in contending that if the CPIO was not holding the information he should have considered the appellant RTI application under Section 5 (4) and (5) of the RTI, Act, 2005. It is the duty of the CPIO to obtain the information that is held by or available with the public authority. If any information is available with one section or the department, it shall be deemed to be available with the Public Authority as one single entity CPIO cannot take a view contrary to this.

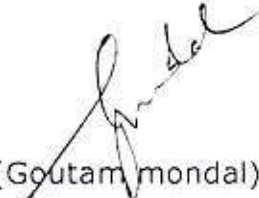
In the above circumstances, the impugned reply to the above extent is liable to be remanded back. The matter is remanded to the CPIO for afresh consideration of Appellant RTI application. The CPIO is directed to release the information sought by the appellant in his RTI application as per terms of Right to Information Act, 2005 within the period of a week of receipt of this order.

This appeal is, thus disposed of.

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The Appellant, if aggrieved by this order, is entitled of file a second appeal before the Central Information Commission, 2nd Floor, B-Wing, August Kranti Bhawan, Bhikaji Kama Place, New Delhi Under Section 19(3) of the Right to Information Act within 90 days from the date of communication of this order.



(Goutam Mondal)
Principal Registrar/ First Appellate Authority

Copy To:-

1. Shri Pradyuman Bisht
Sector-2 House -B 52 Defence Colony Dehradun
Uttarakhand-248012.
2. The CPIO (A&E) CAT, PB, New Delhi
3. SO (c) to upload it on the official website of Central Administrative Tribunal, Principal bench, New dehi.