

F. No. PB/RTI/54/2019-20
CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

61/35, Copernicus Marg,
New Delhi

Dated 30.08.2019

Appeal No.15/2019-20

Shri Yeshwant Sadashiv Hotkar

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Appellant

CPIO, Central Administrative Tribunal
Respondent

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Facts:

This First Appeal dated 01.08.2019 has been received against the reply of the CPIO (JA), dated 31.07.2019. I have perused the RTI application and the reply thereto and the appeal in hand arisen out of the above reply. The Appellant has contended that the CPIO has shifted the onus on the applicant with regards to providing the information under Section 7(1) of the RTI Act, 2005.

In this regard, it is clarified that the provision of "Life or Liberty" clause can be applied only in case where there is an imminent danger to the life or liberty of a person and the non-supply of the information may either lead to death or grievous injury to the concerned person. Such imminent danger or the fact that the disclosure of the information would obviate the danger to the life or liberty of an individual has to be demonstrably proven by the applicant itself, which you have miserably failed to provide.

It is observed that the Appellant as an applicant has filed the application to establish the applicability of Section 7(1) of the RTI Act just keeping in view only the provision of Section 7(1) of the RTI Act, 2005 at his own sweet-will without any rhyme and reason.

As regards the contention of the appellant regarding question hour or zero hour session of the Hon'ble Parliament the same is uncalled for and is unwarranted. Moreover, there was nothing in the RTI application as such.

Paragraph 3 (i) and (ii) are the provisions of the RTI Act and the CPIO has not overruled the same.

As regards the information from sl. No. 15 to 18 from the perusal of your correspondence it is observed that the Appellant is recording the calls made by him to this office as his evident representation dated 12.04.2019. Apart from this, it is stated that the information does not bear larger public interest. Moreover, the Appellant as an applicant himself might have also obtained the information from the Telecom Authority of India, more so when he was well aware of from whom the information was to be sought from.

As regards the contents of Para No. 5 it is merely in the nature of complaint. The Appellant has not disputed the reply of the CPIO.

As regards the contention of the Appellant in Paragraph 6 of the Appeal. it is submitted that the information sought for at Sl. No. 23 of the RTI application, the present Appellant as an applicant cannot any comments over the official functioning of a department. Further, the RTI Act is not meant for to offer an advice.

As regards the contention in Paragraph 7 the contention of the Appellant has been misplaced because of the fact when the information asked for are not available, it is beyond the scope of the public authority to provide the same.

As regards the contention in Paragraph 8 of the Appeal the applicant again has entered into the arena of Administrative Functions of the Department.

The contents of Paragraph 8 in the Appeal are mere apprehension of the Appellant, with regard to Paragraph 9 & 10 of the appeal the application was transferred to DOP&T since closely related to them.

As regards the contents of paragraph 11 the same neither relates to the RTI application and the reply thereto, with regard to paragraph 12 of appeal, the CPIO has furnished the information as asked for in paragraph 24 of the RTI application.

With regard to the contents of paragraph 13 of the appeal the CPIO has replied what has been transpired from record and 13 (i) (ii) and (iii) there is no provision that Appellant may seek action (Criminal/Legal and Departmental Action under the RTI Act). In view of the forgoing discussion the First Appellate Authority do not find any favour with regard to the prayers made by the Appellant.

This Appeal is thus disposed of.

In case you are not satisfied with this decision, you may file second appeal before the Second Appellate Authority, i.e, Central Information Commission, Baba Gang Nath Marg, Munirka, New Delhi-67.

Yours faithfully,

(Goutam Mondal)

Principal Registrar/ First Appellate Authority

To

Sh. Yeshwant Sadashiv Hotkar,
Plot No. 43, opposite Shinde Kirana Shop,
Near Santoshi Mata Mandir,
Gopikishan Nagar,
jalna, Mharastra, Pin: 431203.

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