

F. No. PB/RTI/313/2018-19
CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

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

Dated: 20.02.2019

Appeal No. CADMT/A/ 2019/60012
Appeal No. 34

Sh. Ritesh Kumar

Appellant

CPIO (Judicial)
Central Administrative Tribunal

Respondent

Facts:

This first appeal has been received through online RTI portal on 08.02.2019. It has been filed against the reply dated 01.02.2019 of the CPIO to the RTI application dated 13.01.2019 of the appellant herein, which was uploaded on RTI online portal on 05.02.2019. The facts of the present Appeal is that the appellant has sought some clarification related to judicial proceeding in Central Administrative Tribunal in RTI application. I have gone through the appellant RTI application, appeal and reply given by the CPIO thereto.

I am in agreement with the reply given by the CPIO. The information sought by the appellant in RTI application is not covered in section 2(f) of the RTI Act, 2005 and in nature of clarification and advice. The Hon'ble Supreme Court of India in the matter of Central Board of Secondary Education and anr Vs Aditya Bandopadhyay and ors has held that a public authority is not required to provide advice or opinion to an applicant.

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Further, the Hon'ble Supreme Court of India in the matter of Khanapuram Gandaiah Vs Administrative Officer & Ors has observed that under the RTI, Act an applicant is entitled to get copy of the opinions, advices, circulars, orders, etc but he cannot ask for any information, as to why such opinion, advice, orders etc, have been passed especially in matters pertaining to Judicial decisions. The RTI Act does not cast any obligation on the public authority to give his 'personal opinion' or 'legal opinion' on hypothetical legal questions asked by applicants.

In the above circumstances, the present Appeal is liable to reject.

This appeal is, thus disposed of.

The Appellant, if aggrieved by this order, is entitled to 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. Sh. Ritesh Kumar,
VF repeater and Railway telephone Exchange Secr Bi
Anappur- 484440.
2. SO (c) to upload it on the official website of Central Administrative Tribunal, Principal bench, New Delhi.