

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

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

Dated: 03.05.2019

Appeal No. CADMT/A/2019/60015
Appeal No. 3/2019

Sh. A. D. Gaikwad

Appellant

CPIO (J)
Central Administrative Tribunal

Respondent

Facts:

This first appeal has been received through online RTI portal on 15.04.2019. It has been filed against the reply dated 15.04.2019 of the CPIO to the RTI application dated 09.04.2019 of the appellant herein. I have gone through the RTI and CPIO's reply thereto.

The facts of present case are, the RTI appellant had been filed a grievance No. DOPAT/E/2019/01375 dated 05.04.2019 to the Department of Personnel and Training (DOPT), was disposed of by sh. Surat Singh, Deputy Registrar, Central Administrative Tribunal, Principal Bench, New Delhi, in which the RTI appellant had made a request to the Tribunal to initiate suo motu action/ proceeding against the Respondents (Department of Post) for non compliance of the order dated 10.01.2014 passed by CAT, Mumbai Bench in OA No. 213/2013. While disposing the said complaint the Deputy

Registrar stated to the RTI appellant that "No administrative action in the matter could be taken, matter being decided by the Court. As informed earlier a number of times, you may assail judicial remedies available to you".


Thereafter, the RTI appellant had filed a RTI application dated 09.04.2019, registered as CADMT/R/2019/50156, wherein the appellant had made a request to Sh. Surat Singh, Deputy Registrar, CAT, New Delhi to intimate him (RTI appellant) name and Address of any other court other than Tribunal which conferred power to punish condemner, was disposed of by the CPIO (JA) on 15.04.2019 stating that CPIO is not supposed to tender advice or opinion or interpret a situation, thus he has filed this present RTI appeal dated 15.04.2019.

I am in agreement with the reply given by the CPIO, as under Section 2(f) of the Right to Information Act, 2005, the term "Information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any other law for the time being in force. The information sought by the Appellant in RTI Application is not covered Under Section 2 (f) of the RTI Act, 2005. The Public Authority can provide information which is available in its custody and is not supposed to create and analysis the information and not supposed to tender advice, opinion and examine the matter and not to furnish replies to hypothetical question. 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 extent, this appeal is, thus disposed of.

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 A. D. Galkwad
Sector No. 2, Plot No. 38,
UMA Housing Society, Old Mill Compound,
Solapur-413001.
2. SO (c) to upload it on the official website of Central Administrative Tribunal, Principal bench, New Delhi.