

F. No. PB/RTI/310/2018-19
CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

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

Dated: 06.03.2019

Appeal No. CADMT/A/ 2019/60013
Appeal No. 37

Sh. Vishwavijay Tukaram Gore

Appellant

CPIO (Judicial)
Central Administrative Tribunal

Respondent

Facts:

This first appeal has been received through online RTI portal on 20.02.2019. It has been filed against the reply dated 06.02.2019 of the CPIO to the RTI application dated 07.01.2019 of the appellant herein. The facts of the present Appeal are that the appellant has sought information related to un-stared question No. 707 in Lok Sabha where the Hon'ble MOS, Dr. Jitendra Singh, Ministry of Public Grievance & Pension, O/o Prime Minister have informed that as per information received from the Ministry of Broadcasting, there is no cases of deliberate non implementation of Order of Hon'ble Central Administrative Tribunal. The appellant further sought a reason that judgment of contempt of Court lead to penal consequence, punishment, disciplinary action are not displayed on the official website of CAT, sought certified copy of scrutiny report of action taken for contempt of court against the officials concerned, certified copy of scrutiny report of Contempt petition and information whether Government servant can rest hope on judgment delivered by the CAT.

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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 appellant has sought a reason in his appeal that judgement of contempt of court lead to penal consequences, punishment, disciplinary action are not displayed of official website of the CAT. As regard to displayed the orders/ Judgements on the official website you may go through the official website of Central Administrative Tribunal i.e. www.cgatnew.gov.in in the head of "**daily orders** and **Oral/Final orders**". The appellant further sought the certified copy of scrutiny report of action taken for contempt of court and scrutiny report of Contempt Petition. The CPIO vide reply dated 06.02.2019 has already been informed the appellant that you may either furnish the specific Contempt Petition or inspect the records.

If the Applicant sought inspection of any record/ documents which is under the control of public authority, he may do so by intimation the CPIO in advance.


However, some part of the information sought by the appellant in RTI application is 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.

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 disposed off.

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:

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2. The CPIO (J) CAT, PB, New Delhi
3. SO (c) to upload it on the official website of Central Administrative Tribunal, Principal bench, New Delhi.