

F. No. PB/RTI/297/2018-19  
CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

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

Dated: 15.01.2019

Appeal No. CADMT/A/2019/60002  
Appeal No. 32

Sh. Sailesh Kumar Pandey

Appellant

CPIO (J)  
Central Administrative Tribunal

Respondent

Facts:

This first appeal has been received through online RTI portal on 10.01.2019. It has been filed against the reply dated 08.01.2019 of the CPIO to the RTI application dated 24.12.2019 of the appellant herein. I have gone through the RTI and CPIO's reply thereto.

I am in agreement with the reply given by the CPIO. Under Section 2(f) of the Right to Information Act, 2005 the term of "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

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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.

In case the Appellant is not satisfied with this decision, he may file Second Appeal before the Second Appellant Authority, i.e. Central Information Commission, 2<sup>nd</sup> Floor, B-Wing, August Kranti Bhawan, Bhikaji Kama Place, New Delhi-110066.



(Goutam Mondal)

Principal Registrar/ First Appellate Authority

Copy To:-

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2. ✓ SO (c) to upload it on the official website of Central Administrative Tribunal, Principal bench, New Delhi.