

BY SPEED POST

BEFORE SHRI G.S. YADAV, JOINT SECRETARY & LEGAL ADVISER AND
FIRST APPELLATE AUTHORITY (NOTARY)

(Under Section 19 of RTI Act, 2005)

MINISTRY OF LAW & JUSTICE, DEPARTMENT OF LEGAL AFFAIRS, ROOM
NO. 406-B 'A' WING, SHASTRI BHAWAN, NEW DELHI-110001

Appeal No. 8 /JS&LA(GSY)/NC/2015

IN THE MATTER OF:

Shri A. Mohanselladurai
Advocate
14/54, Palam Road
Pallipalayam, Tiruchengode Taluk
Namakkal District
Erode – 638006
Tamil Nadu

Appellant

Versus

Central Public Information Officer(N)
Ministry of Law & Justice
Department of Legal Affairs
Shastri Bhavan
New Delhi – 110001

Respondent

ORDER

23.03.2015

Feeling aggrieved with the decision of CPIO dated 16.2.2015, appellant has filed this appeal, received in this office on 10.3.2015.

2. The notices were issued to the parties but despite notices, appellant has not put in his presence whereas CPIO is present in person. Since appellant has not turned up, the appeal is being decided after hearing the CPIO and taking into consideration the material available on record.
3. Perused the file. It is evident that the appellant was furnished with the information vide note dated 27th March, 2014 in response to the appellant's application dated 4.3.2014.
4. It is only the irony of fate as the Section Officer of the concerned Section availed maternity leave for a long period and as the rests were only Data Entry Operators(not permanent employee), the record could not be traced and the CPIO vide her decision dated 16.2.2015 in lieu of the appellant's application dated 24.1.2015

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gave a reply which is not in consonance with the record available in the office. Since CPIO is not custodian of the file/record and the concerned custodian of file, i.e., Section Officer gone on maternity leave, as such, in the peculiar facts and circumstances of the matter, CPIO can also not be blameworthy as neither decision of CPIO dated 16.2.2015 is willful nor deliberate but under the peculiar facts and circumstances of present matter at that time.

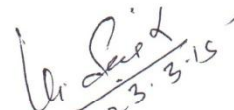
5. The Demand Draft of the appellant dated 17.7.2013 is available on record along with his application dated 17.7.2013. Since the DD in question cannot be encased now, as such, suitable direction will be passed so far DD is concerned.

6. In the appeal the appellant has in the concluding part prayed only to consider and peruse the documents and order the CPIO for furnishing the proper and apt reply to the application dated 24.1.2015

7. Since the prayer of appellant is for proper and apt reply and has not prayed for anything else, as such, considering the entire facts and circumstances, CPIO is directed to provide the appellant the proper reply with respect to his application dated 24.1.2015 and at the same time, the DD dated 17.7.2013, may also be returned to the appellant by speed post within 15 days from this order.

8. In case, the appellant is aggrieved with this order, he may file a second appeal before Hon'ble CIC, 2nd Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066 within the time period as prescribed under the provisions of RTI Act, 2005.

The parties be informed accordingly.


(G.S. Yadav)

Joint Secretary & Legal Adviser &
First Appellate Authority
Date: 23.03.2015

1. Shri A. Mohanselladurai, Advocate, 14/54, Palam Road, Pallipalayam, Tiruchengode Taluk, Namakkal District, Erode – 638006, Tamil Nadu.
2. DLA & CPIO (Notary), Department of Legal Affairs, Ministry of Law & Justice, Shastri Bhawan, New Delhi – 110001.
- ✓ 3. RTI Cell, Department of Legal Affairs, Shastri Bhawan, New Delhi-110001.