

By Speed Post.

BEFORE SMT. ZOYA HADKE, JOINT SECRETARY & LEGAL ADVISER & FIRST APPELLATE  
AUTHORITY (JUDICIAL)

(Under Section 19 of RTI Act, 2005)

MINISTRY OF LAW & JUSTICE, DEPARTMENT OF LEGAL AFFAIRS  
ROOM NO. 422, 'A' WING, SHASTRI BHAWAN, NEW DELHI 110001  
\*\*\*\*\*

Appeal No.3/JS&LA(ZH)/Judl/2014

**IN THE MATTER OF:**

Shri Aseem Takyar,  
Plot No. 144, Phase-I,  
Udyog Vihar,  
Gurgaon-122 016.  
(Haryana)

Appellant

Versus

Central Public Information Officer (J)  
Ministry of Law & Justice  
Department of Legal Affairs  
Shastri Bhawan  
New Delhi - 110001

Respondent

**ORDER**

**20.11.2014**

The instant appeal dated 29.10.2014 received on 03.11.2014 has arisen out of RTI application dated 09.09.2014 by which the applicant has sought the following information:-

*"Please refer to enclosed copy of the news article, 'Subramaniam withdraws as amicus', 'Indian Express' dated 06.08.2014 (copy enclosed). I will be obliged, if your good office provides me copy of the withdrawal, letter, request submitted by Shri Gopal Subramaniam, contents of which were published in the 'news article'."*

2. The CPIO in reply dated 22.10.2014 has stated that, 'no such information is available in this Department'.
3. In his appeal, the applicant/appellant has stated that the information has been declined by the CPIO. It is also stated that CPIO did not transfer the application u/s 6(3) of the RTI Act, 2005. It is prayed that CPIO may be directed to transfer the application to the concerned authority.

4. After careful examination of the matter, I am of the considered view that the reply given by the CPIO to the RTI application is proper as no such information is available in this Department as the news article referred to by the applicant itself states that the *amicus curiae* was appointed by the Supreme Court. Therefore, withdrawal letter/request submitted by Shri Gopal Subramaniam would have been addressed to the Supreme Court itself.

5. The CPIO is, therefore, directed to transfer the RTI application to the Supreme Court which is the concerned Public Authority.

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

The parties be informed accordingly.

*Zoya Hadke.*  
(Zoya Hadke)

Joint Secretary & Legal Adviser &  
First Appellate Authority  
Date: 20.11.2014

Copy to:-

1. Shri Aseem Takyar, Plot No. 144, Phase-I, Udyog Vihar, Gurgaon-122 016 (Haryana).
2. DLA & CPIO (Judicial), D/o Legal Affairs, Shastri Bhawan, New Delhi-110001.
3. Shri K. Ginkhan Thang, DS & CPIO, Implementation Cell, Department of Legal Affairs, Shastri Bhawan, New Delhi.
- ✓ 4. RTI Cell, Department of Legal Affairs, Shastri Bhawan, New Delhi.

S. 144, Phase-I, Udyog Vihar, Gurgaon, 122 016, Haryana  
0124-2439144, Fax : 0124-4006960  
Mobile : 9310149198, 9999463993  
Email : aseemtakyar@hotmail.com ; aseemtakyar9@gmail.com

**ASEEM TAKYAR**

Through Speed Post

First Appeal under Section 19 (1) of the Right to Information Act,

3/JS&LA (2H) / Judd. / 2014  
3/11/14

dated 29.10.2014

To,  
Ms. Zoya Hadke,  
Ld. Additional Legal Adviser,  
-Cum-First Appellate Authority,  
'Department of Legal Affairs',  
'Ministry of Law and Justice',  
'Room No 422', 'A' Wing, 4<sup>th</sup> Floor,  
Shastri Bhawan, New Delhi 110 011.

Appellant respectfully, submits as under:

That appellant has filed the RTI, Application dated 03.09.2014 (Copy enclosed as Annexure-A) and thereafter, received on 27.10.2014 letter/reply dated 22.10.2014 (Copy enclosed as Annexure-B) whereby, information was declined and being aggrieved consequently, filing the present first appeal under Section 19 (1) on the following grounds, as under:

Grounds:

At the outset, it is respectfully submitted that, CPIO had declined the information while contemplating that, information is not available with its department and be that, as it may however, point to be noted is that, CPIO didn't transferred the application under Section 6 (3), which is mandatory as per provisions of the law, hence, present first appeal.

Prayer:

In the situation, appellant request your authority to direct the CPIO to transfer the application with concerned 'public authority', forthwith, as substantial time has already been lapsed.

It is, prayed accordingly.

Place: Gurgaon.

Encl: as above

  
Appellant



Plot No. 144, Phase-I, Udyog Vihar, Gurgaon, 122 016, Haryana  
Tel.: 0124-2439144, Fax : 0124-4006960  
Mobile : 9310149198, 9999463993  
Email : aseemtakyar@hotmail.com ; aseemtakyar9@gmail.com

**ASEEM TAKYAR**

(ANNEXURE.....A.....)

Through Speed Post

Application under Section (6) of the Right to information Act, 2005

To,  
The Central Public Information Officer, (CPIO),  
'Ministry of Law and Justice',  
4th Floor, 'A-Wing', Shastri Bhawan,  
R.P Road, New Delhi 110 001.

dated 09.09.2014

Particulars of Information: 'Regarding Mr. Gopal Subramaniam'.

Applicant Desires following information, as under:

1. Please refer to enclosed copy of the 'news article, 'Subramaniam withdraws as amicus', 'Indian Express' dated 06.08.2014 (Copy enclosed). I will be obliged, if your good office provides me copy of the withdrawal, letter, request submitted by Shri. Gopal Subramaniam', contents of which were published in the 'news article'.

The information is required through post at the address mentioned above on any size of paper and the prescribed fee of Rs 10/- is enclosed vide IPO No 23F 344320.

Place: Gurgaon

Encl: as above

  
Applicant

To: CPIO.

AD. PIN: 110011

From: ASEEM TAKYAR, 144

Wt: 26 grams.

Ans: 17.00 - 10/09/2014 4:48

IN\*RS\*RS\*2\*RS\*2005\*08\*www.indiapost.gov.  
22055



**BY SPEED POST**

F. No.44(5)/2014-Judl.  
Government of India  
Ministry of Law & Justice  
Department of Legal Affairs  
Judicial Section

RECEIVED  
27 OCT 2014  
BY:.....

Shastri Bhawan, New Delhi.  
Dated 22.10.2014

To

Shri Aseem Takyar,  
Plot No. 144, Phase-I,,  
Udyog Vihar,  
Gurgaon-122016  
(HARYANA)

Subject:- Information under RTI Act, 2005.  
Sir,

I am to refer to your RTI application dated 09.09.2014 transferred to this Department by the Department of Justice vide OM No.9/58/2014-RTI/LD dated 19.09.2014 (received on 29.09.2014) on the subject mentioned above and to say that no such information is available in this Department.

2. Ms. Zoya Hadke, Additional Legal Adviser, Ministry of Law & Justice, Department of Legal Affairs, Room No. 422, 'A' Wing, 4<sup>th</sup> floor, Shastri Bhawan, New Delhi-110001, Tel No. 23071014, is the Ist Appellate Authority. The period of limitation for filing the Ist Appeal is 30 days.

Yours faithfully,

  
(J.S. Mishra)

Central Assistant Public Information Officer  
Tel.No.23383255



9/8/2014

The Indian EXPRESS  
www.indianexpress.com

NATIONAL NETWORK

# Subramaniam withdraws as amicus

## PADMANABHASWAMY TEMPLE CASE | Cites personal reasons, seeks to hand over case documents

UTKARSHANAND  
NEW DELHI, AUGUST 5

**F**ORMER solicitor general Gopal Subramaniam, appointed by the Supreme Court in the Padmanabhaswamy temple case, has withdrawn as amicus curiae, citing personal reasons and prior engagements.

His office has also sought to hand over all documents in connection with the case to the court registry. The August 4 letter has requested the court to discontinue his services as the amicus curiae.

Notably, Subramaniam

was appointed as amicus by a bench led by Justice R.M. Lodha in August 2012. His withdrawal comes close on the heels of the controversy surrounding Subramaniam's elevation as a judge of the Supreme Court.

While his name was recommended by the collegium, headed by CJI Lodha, the government had flagged a negative report, damning the senior advocate's credibility and competence. The Centre "unilaterally segregated" him from a list of four names recommended by the SC collegium.

Notably, Subramaniam was appointed as amicus by a bench led by Justice R.M. Lodha in August 2012. His withdrawal comes close on the heels of the controversy surrounding Subramaniam's elevation as a judge of the Supreme Court.

Later, at a public function, CJI Lodha had said that he was "shocked" and "disappointed" when Subramaniam made his letter public. Although he asked him to wait till his return on June 28,

Subsequently on July 18, a bench led by CJI Lodha had asked all parties in the coal block allocation cases to "persuade" Subramaniam to act

as the Special Public Prosecutor for the cases to be tried by a special court.

Burmerly a day after the court wished to know his views, Subramaniam declined to take up the job, citing public engagements and a busy itinerary. The court had to then appoint senior advocate R.S. Chhetria as prosecutor for legal help cases.

"Significantly, Subramaniam's report in the case had brought back the spotlight on the Padmanabhaswamy temple and its treasure trove. His report disclosed that he found a gold-plating machine inside

the temple, suggesting stealth in an organised manner, by the highest echelons."

Acting on this report, the court had ordered a special audit of the temple and his treasure trove by former CAG Vinod Rai.

During a hearing, Justice Lodha had stopped a counsel from doubting Subramaniam's account in view of his immediate affinity towards Shree Padmanabhaswamy.

The temple case is listed on Wednesday before a bench led by Justice J.S. Thakur, suggesting the CJI has released this matter from his board.



GOPAL SUBRAMANIAM

### Rane U-turn: Divided Meerut village spends tense days