

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. 10/JS&LA(GSY)/NC/RTI/2015

IN THE MATTER OF:

Shri N. Neelananarayanan
Advocate
No. 154, Angappa Naicken Street, First Floor,
Chennai – 600 001

Appellant

Versus

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

Respondent

ORDER

25.03.2015

Feeling aggrieved with the decision of CPIO dated 06.02.2015, appellant has filed this appeal, received in this office on 11.3.2015.

2. The notices were issued to the parties but despite notices, appellant has not put in his presence whereas SO(Notary Cell) is representing the CPIO as she is on leave. Since appellant has not turned up, the appeal is being decided after hearing the representative of CPIO and taking into consideration the material available on record.

3. Perused the appellant's application dated 8.1.2015 and the reply of CPIO dated 6.2.2015. It is not disputed by the appellant that the information as sought by him vide his application dated 8.1.2015 has not been furnished by the CPIO. A copy of the information, in view of appellant's said application, has been furnished by the CPIO vide letter dated 6.2.2015.

4. A perusal of the appeal reveals that appellant is not happy with the reply so far given for the queries at serial nos. 5,7 & 8. In the original application dated 8.1.2015, the question which was asked was only as to whether the Hon'ble Law Minister has given his consent to publish the notary public result or not? The same has been properly answered by the CPIO saying 'yes'. In the appeal, the appellant has modified

the question in the form whether the consent is oral or written, which was never asked in the original RTI application and what was asked has already been replied.

5. So far query mentioned at point 8 is concerned, the same has also been replied. But appellant is disputing about the candidates of notary present/appeared for interview on the date of interview. In this respect, the complete information regarding how many candidates attended is available on this Ministry's Website.

6. So far issue raised at point 8 in the appeal is point 7 in the original application which has also been replied by the CPIO because interviews are conducted strictly as per provisions of the Act and Rules framed thereunder and scrutiny is an essential part. It is very strange that appellant, in his appeal, has specifically mentioned that

"I have to prove and I have relevant documents. The Public Information Officer's above wrong reply."

Despite notice, when he is disputing the replies given by CPIO, has not attended the hearing and not only thus, he has not sent any written submissions with proof if they were in his possession. Under these circumstances, an adverse inference is to be drawn against appellant as per provisions of Section 114(g) of the Indian Evidence Act.

7. In view of the foregoing, the appeal of the appellant lacks merit and deserves to be dismissed. The same is dismissed accordingly.

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: 25.03.2015

1. Shri N. Neelanarayanan. Advocate, No. 154, Angappa Naicken Street, First Floor, Chennai – 600 001.
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.