

BEFORE DR. GITA RAWAT, JOINT SECRETARY & FIRST APPELLATE  
AUTHORITY  
(Under Section 19 of RTI Act, 2005)  
MINISTRY OF LAW & JUSTICE: DEPARTMENT OF LEGAL AFFAIRS  
ROOM NO. 408, 'A' WING, SHASTRI BHAWAN, NEW DELHI 110001  
\*\*\*\*\*

Appeal No.21(234)/2014 -IC

Date: 8.7.2014.

**In the matter of**

Shri S.A.H. Rizvi,  
House No. 466/59, Mohalla Peer Bhukhara,  
P.O. Chowk,  
Lucknow-226003.

Appellant

Versus

Central Public Information Officer  
Ministry of Law & Justice  
Department of Legal Affairs  
Shastri Bhawan  
NEW DELHI – 110001

Respondent

Date: 8.7.2014

**ORDER**

The appellant has filed an appeal on 24.4.2014 received on 29.4.2014 under Section 19 of the RTI Act for not getting the information furnished by the CPIO, the respondent vide letter NO. 21(234)/2014 dated 7.4.2014.


**Brief facts of the case:**

1. The appellant vide his application dated 21.3.2014 received on 27.3.2014 sought information relating to Advocate.
2. The respondent has collected the information from the concerned sections of this Ministry and sent the reply to the appellant vide letter No. 21(234)/2014-IC dated 7.4.2014.

3. Being aggrieved with the information of the respondent the appellant has filed an appeal received on 29.4.2014.
4. I undersigned have been appointed as Appellate Authority in the matter on. After perusal of the facts of the case it appears that no hearing is required in this matter.

Observation

5. On perusal of the record it appears that the information furnished by the respondent vide letter dated 7.4.2014 is the substantive response for the information asked by the applicant in his original application dated 21.3.2014.
6. I have assessed the facts and circumstances of the case and come to the conclusion that the CPIO, the respondent has acted as per provisions of the Act.
6. The appellant may kindly note that since the proceeding has been closed, no further hearing may be conducted in this matter. Moreover, if there is any grievance against the order of the Appellate Authority, he may file second appeal before the Hon'ble CIC sitting at 2<sup>nd</sup> Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi 110066 (within 90 days) i.e period as prescribed under the provision of RTI Act, 2005.

  
(DR. GITA RAWAT)  
Joint Secretary & Appellate Authority  
Date: 08.07.2014

8-7-14

Copy to:

1. Shri S.A.H. Rizvi, House No. 466/59, Mohalla Peer Bhukhara, P.O. Chowk, Lucknow-226003.
2. Smt. Asha Sota, CPIO/Under Secretary, Deptt. of Legal Affairs.

(DR. GITA RAWAT)  
Joint Secretary &  
First Appellate Authority  
Ministry of Information & Public  
(Deptt. of Legal Affairs)  
Govt. of India, New Delhi

New Delhi

**Application Requesting Information  
on 5 points dated 21.3.2014**

Sir,

The applicant submits his first appeal under section 19 of the RTI Act 2005, as under:-

1. That the applicant filed an application under the R.T.I. Act 2005, on 5 points on 21.3.2014 (copy enclosed).
2. That after the passage of thirty days statutory time limit when no information was received the applicant filed his first appeal on 24.4.2014 stating the circumstances.
3. That the CPIO, suddenly, on 27.4.2014 sent by post a copy of the requested information purporting to have replied the R.T.I. application (copies enclosed).
4. That a perusal of the reply thus received during the pendency of the first appeal shows that in reply to query at point no.1. only a small part of the information regarding appointment of Shri Sunil Sharma Advocate in the High Court Lucknow has been given, rest has been denied though the information very much relates to the Law Ministry as the appointments for the Central Administrative Tribunals etc. are done by the Law Ministry and Shri Sunil Sharma Advocate, has long been working as Govt. counsel at the CAT Lucknow Bench.
5. That the said perusal further reveals no information on point no.2 has been given though information relates to law ministry. The data of govt. counsels etc. in Govt. departments are within the knowledge of the Law Ministry. That the information on point no.3. has also been denied though the information relates to the Law Ministry. If it

*Handwritten notes:*  
Tender  
As to RTI/CA  
RTI Section  
11/14

ओर न्याय मंत्रालय  
के लिये प्रेषक अनुभाग  
1 JUL 2014  
988

*Handwritten:* 13/ISS/13-4/2014/2014  
117

IMPLEMENTATION CELL  
RTS by N. 767

application in question to the concerned  
the relevant provisions of the RTI Act  
for transfer of

7. That in response to point no.4. the CPIO informs the applica-  
nt to look to the website of the Department which is not  
possible. The information requested should have been  
forwarded in certified form to the applicant. The applicant  
at present is not able to access to the computer. This  
information has been denied to the applicant.

8. That in response to the query at no.5. the CPIO informs  
about the procedure only and avoids to mention about the  
criteria. This information has also been denied and the same  
is quite incomplete and unsatisfactory. One thing to be  
noticed in this reply is that this time the reply does not  
distinguish between appointments of advocates on panel for  
High Courts and Tribunals, Govt. Departments (i.e. ministry of  
Mines in this case).

9. That during the pendency of the First Appeal referred to  
above, the CPIO giving reference to the First Appeal dated  
24.4.2014 again forwards the same information letters as  
discussed above pointwise. Hence, there is a need to  
send a fresh First Appeal after the receipt of the latest  
letter by Shri K. Gin Khan Thang, Dy. Secy, and CPIO, Ministry of  
Law and Justice (copies enclosed), to be heard and decided  
in conjunction with the earlier appeal (Ist) dated 24.4.14.  
Both the Appeals deserve to be combined and heard and decided  
together in terms of the RTI Act provisions.

PRAYER

Wherefore, it is prayed that the information holders be  
directed to act as per R.T.I. Act provisions and supply the  
information in full, certified, legible form immediately

(3)

in the interest of justice, as discussed and stated in the different paragraphs of this Appeal.

(S.A.H. Rizvi )  
Appellant  
Lucknow:Date: 05.06.2014 R/o 466/59, Peer Bukhara, P.O. Chowk  
Lucknow.

Encls: All as stated above.

Verification

I, the above appellant do hereby verify that the contents of para 1 to 9 of this First Appeal under section 19 of the R.T.I. Act, 2005, are true and correct to my personal belief and records.

Lucknow:Date: <sup>26-</sup>05.06.2014

(S.A.H. Rizvi )  
Appellant

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भारत सरकार  
विधि और न्याय मंत्रालय  
विधि कार्य विभाग  
कार्यान्वयन कक्ष

शास्त्री भवन, नई दिल्ली  
दिनांक 23-04-2014  
13-05

सेवा में,

श्री एस0ए0एस रिजवी  
म0 466/59 पीर बाकरा, पी0ओ0, चौक  
लखनउ 226003  
उत्तर प्रदेश ।

विषय: सूचना का अधिकार अधिनियम, 2005 के अधीन सूचना उपलब्ध कराना ।

महोदय,

उपर्युक्त विषय पर आपकी आर0टी0आई याचिका दिनांक 21.03.2014 के पत्र (विभाग में दिनांक 23.03.2014 को प्राप्त हुआ) पर आपकी अपील दिनांक 24. 04.2014 के संबंध में आपको सूचित किया जाता है कि मंत्रालय द्वारा आपको इस संबंध में आवश्यक सूचना विभाग के पत्र दिनांक 07.04.2014 (प्रतिलिपि सलग्न)के द्वारा पहले ही दी जा चुकी है ।

सलग्न: उपरोक्त

भवदीय,

( के0गिन खन थंग )

उप- सचिव एवं केन्द्रीय लोक सूचना अधिकारी  
दूरभाष : 23384706

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Jesweel  
14.5.2014

F.No.21 ( 324)/ 2014-IC  
Government of India  
Ministry of Law & Justice  
Department of Legal Affairs  
IMPLEMENTATION CELL

Shastri Bhawan, New Delhi  
Dated: 07.04.14

To  
Shri S.A.M. Rizvi  
R/o 466/59, Peer  
Bukhara, P.O - chowk,  
Lucknow - 226003.

Subject: - Information under RTI Act, 2005.

Sir,


I am to refer to your RTI application dated 21.03.14 (received on 27-0-3-14 on the subject mentioned above and to enclose herewith information received from the concerned Section as Annexure.

2. Dr. Gita Rawat, Joint Secretary & Legal Adviser, Ministry Of Law & Justice, Department of Legal Affairs, Room No. 408, 'A' Wing, 4<sup>th</sup> floor, Shastri Bhawan, New Delhi-110001, Tel No. 23384777, is the 1<sup>st</sup> Appellate Authority. The period of limitation for filling the 1<sup>st</sup> Appeal is 30 days.

Encl : As above

Yours faithfully,

  
(K. Ginkhan Thang)  
Deputy Secretary & CPIO  
Tel. No. 23384706

  
Received  
21.04.2014

**Most Immediate  
Time Bound**

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

Sub: Information sought by Shri S.A.H. Rizvi under RTI Act-regarding.

FR is an O.M F.No. 21(324)/2013-IC dated 01.4.2014 received from Ms. Asha Sota, US at CPIO alongwith a copy of letter dated 21.3.2014 (received in this Section on 03.4.2014) regarding information sought for by Shri S.A.H. Rizvi, 466/59, Peer Bukhara, PO Chowk, Lucknow-226003:-

S.N	Informantion Sought	Reply to the queries
1.	Since when Shri Sunil Sharma, Advocate stationed at Lucknow has been made Govt. Counsel/Standing Counsel for the Central Administrative Tribunal and the Hon. High Court Lucknow and Allahabad, till date. Give specific details abqut dates and periods.	Shri Sunil Sharma is on the panel Allahabad High Court at Lucknow as Cer Govt. Counsel since 26.11.2009.
2.	For which departments/undertakings/offices of Govt of India, Shri Sunil Sharma, Advocate, has been appointed and authorized to act as counsel/brief holder etc. in every capacity, since beginning till date? Give details of periods, tenures, renewal etc. department-wise.	No such information is maintained in Ju Section.
3.	Has the said advocate, at any time, been especially appointed to look after and advise in the cases of Geological Survey of India.	No such information is maintained in Ju Section.
4.	What is the rate of fee/retainership and other charges to be charged by a govt. counsel/standing counsel/brief holder working for Govt. Officer, since 1990 till date. Give complete deails.	This information is available on the we of this Department <a href="http://www.lawmin.nic.in/legal">www.lawmin.nic.in/legal</a> affairs under heading 'Circulars pertaining to litigatio
5.	What are the criteria and procedure of appointing and renewal of a counsel as Govt. counsel/standing counsel/brief holder etc. in Govt. departments, CAT/Tribunals other courts and the Hon. High Courts. Give complete details.	Advocates are included in the panel or term renewed after an interview/intern by the committee constituted for purpose and on the basis of recommendations of the committee, are included in the panel.

4. The above information appears not to be debarred under RTI Act.

5. If approved, the above reply may be provided to the applicant through CPIO.

by 7/4/14  
R. Jitendra

03/4/14

Sof (2)

ALAT (J) C-2  
4-4-14

S.O. (J) RK  
04/4/14

Rkumar  
4/4/14

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PAK  
Dy. No. 2  
479/P