

BEFORE T.N. TIWARI, ADDL. SECRETARY & FIRST APPELLATE AUTHORITY
(Under Section 19 of RTI Act, 2005)
MINISTRY OF LAW & JUSTICE : DEPARTMENT OF LEGAL AFFAIRS
Room No. 409, 'A' Wing,
Shastri Bhavan, New Delhi-110 001

Dated: 16.06.2015

Appeal No.17(3)2015-IC

IN THE MATTER OF:

Shri Shrigopal Soni,
C231, Panchsheel Nagar,
Ajmer,
Rajasthan-305004.

Appellant

Versus

Central Public Information Officer,
Ministry of Law & Justice,
Department of Legal Affairs,
Shastri Bhavan, New Delhi.

Respondent

ORDER

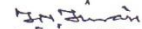
16.06.2015

The Appellant-Applicant's RTI Application dated 14.03.2015 seeking information on 3 points and the Respondent-CPIO, vide, his letter dated 09.04.2015, furnished the information sought by the Appellant-Applicant. Aggrieved by the information supplied by the Respondent-CPIO, he preferred the present appeal dated 13.04.2015 (received on 23.04.2015).

2. I have gone through the Appeal and the reply given by the Respondent-CPIO on the present appeal wherein it has been stated that the information sought by the Appellant-Applicant is available with Ministry of Commerce & Industry, so his application was transferred to that Ministry on 09.04.2015 by endorsing a copy to the Appellant-Applicant with the request to approach directly to Ministry of Commerce & Industry for requisite information. Meanwhile, CPIO is hereby directed to forward his present appeal to the concerned Appellate Authority, Ministry of Commerce & Industry under intimation to the Appellant-Applicant.

3. In view of the above, the Appeal is disposed of.

4. Hon'ble CIC, 2nd Floor, August Kranti Bhavan, Bhikaji Cama Place, New Delhi-110066 is the 2nd Appellate Authority.


(T.N. TIWARI)

Additional Secretary & Appellate Authority

Copy to:

- 1) Shri Shrigopal Soni, C231, Panchsheel Nagar, Ajmer, Rajasthan-305004. (By Speed Post)
2) Shri YK Singh, CPIO, D/o Legal Affairs, 'A' Wing Shastri Bhavan, New Delhi.
3) SO, Implementation Cell, D/o Legal Affairs, Shastri Bhavan, New Delhi-110001.

F. No. 17(3)/2015-IC
Government of India
Ministry of Law and Justice
Department of Legal Affairs
(Implementation Cell)


Shastri Bhawan, New Delhi.
Dated: 18.06.2015

OFFICE MEMORANDUM

Subject: Forwarding of First Appeal dated 13.04.2015 of Shri Shrigopal Soni under the RTI Act, 2005.

In compliance with order dated 16.06.2015 in Appeal No. 17(3)/2015-IC (copy enclosed) before Shri T.N. Tiwari, Additional Secretary and First Appellate Authority, Department of Legal Affairs, the undersigned is directed to forward herewith a copy of First Appeal dated 13.04.2015 along with a copy of RTI application dated 14.03.2015 of Shri Shrigopal Soni. A copy of OM No. R-17(1)/2015-RTI(Vol.II) dated 17.04.2015 received from Department of Commerce is also enclosed for ready reference, for further necessary action.

Encls: As above.


(Y.K. Singh)
Deputy Legal Adviser & CPIO
Ph. No. 23383255



To,

The First Appellate Authority,
Department of Commerce,
Ministry of Commerce and Industry,
Udyog Bhawan,
New Delhi.

Copy to,


1. Shri Shrigopal Soni, C 231, Panchsheel Nagar, Ajmer, Rajasthan – 305004, with the request to contact abovementioned public authority for further information in this regard.
2. Shri T. N. Tiwari, Additional Secretary and First Appellate Authority, Department of Legal Affairs.

F. No. 14(5)/2015-IC
Government of India
Ministry of Law and Justice
Department of Legal Affairs
(Implementation Cell)

Shastri Bhawan, New Delhi.
Dated: 09.04.2015

OFFICE MEMORANDUM

Please find enclosed herewith u/s 6(3) of the RTI Act, 2005 an application dated 14.03.2015 (received in the Section on 09.04.2015) of Shri Shrigopal Soni for furnishing information directly to the applicant.


(Y. K. SINGH)
DEPUTY LEGAL ADVISER/CPIO
Ph. No. 23383255
FAX: 23385117

ok

To,
The CPIO,
Department of Commerce,
M/o Commerce and Industry,
Udyog Bhawan,
New Delhi.

Copy to,

Shri Shrigopal Soni, C-231, Panchsheel Nagar, Ajmer-305004. You are requested to contact abovementioned Public Authority for requisite information.

Issued with B-1
10/4/15

Appellate Authority

Appeal under the RTI act

13.04.2015

Ministry of Law and Justice

Room No. 430, A Wing, 4th Floor,

Shastri Bhawan, New Delhi-110 001.

Re: 14/3/2015 RTI Seeking Information under the Right to Information Act, 2005

Law Commission of India, in the concluding para of 145th report in respect of PSU's recommends the following: - Before we conclude, we may consider it relevant to refer to the Law Commission's 126th Report which emphasized that the Government and public sector undertakings must have their own litigation policy and strategy and they must be devised with a view to encouraging avoidance of litigation and settlement of disputes by alternative methods. Litigation is an unproductive investment both in time and money. Public sector undertaking and the Govt. have to conserve their resources and determine priorities of expenditure by a judicious approach so that unproductive litigation does not eat away large chunk of the scarce resources... **"At any rate it (PSU) cannot afford to develop a litigious culture."**

7/10/15
6/2/14
Sh. Anand

1. Information in respect of date of acceptance of the above
2. Information of the orders/advise/rejoinders/circulars issued in respect of the above.
3. If the above matter is pending, information of the name and designation of the authority with whom it is pending.

1/2/2015
Rajiv

Appeal: A perusal of the aforesaid makes it clear that information pertains to you. It is requested to ensure that the CPIO is not allowed to escape his duty of providing information to the applicant. (as he did in reply F. No. 14(5)/2015-IC dated 09/04/2015). Your kind attention is drawn to the following:- "Section 6(3) does not empower CPIO to escape responsibility by Transferring RTI Applications". Delhi High Court ruled that the Central Public Information Officer was duty bound to provide the information, not simply forward the application... Bench of Justice Vibhu Bakhru held in the case of Ministry of Railways through Secretary and Anr. Vs Girish Mittal.**

SHRIGOPAL SONI,

C231, Panchsheel Nagar, Ajmer-305004

revribhav@gmail.com

70.6

Joint Secretary ,

14/3/2015

Ministry of Law and Justice

Room No. 430, A Wing, 4th Floor,

Shastri Bhawan, New Delhi-110 001.

Re: Seeking Information under the Right to Information Act,2005

Law Commission of India,in the concluding para of 145th report in respect of PSU's recommends the following:-Before we conclude,we may consider it relevant to refer to the Law Commission's 126th Report which emphasized that the Government and public sector undertakings must have their own litigation policy and strategy and they must be devised with a view to encouraging avoidance of litigation and settlement of disputes by alternative methods. Litigation is an unproductive investment both in time and money. Public sector undertaking and the Govt. have to conserve their resources and determine priorities of expenditure by a judicious approach so that unproductive litigation does not eat away large chunk of the scarce resources... **"At any rate it (PSU) cannot afford to develop a litigious culture."**

1. Information in respect of date of acceptance of the above
2. Information of the orders/advise/rejoinders/circulars issued in respect of the above.
3. If the above matter is pending, information of the name and designation of the authority with whom it is pending.
IPO of Rs.10 as fee is enclosed,the CPIO may fill the account details.



SHRIGOPAL SONI,

C231,Panchsheel Nagar, Ajmer-305004

revribhav@gmail.com