

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(115)/2014 -IC

Date: 18.6.2014.

In the matter of

Shri Surjit Singh,
House No. 688, Housing Board Colony,
Sector 7,
Ambala City
Haryana..

Appellant

Versus

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

Respondent

Date: 18.6.2014

ORDER

The appellant has filed an appeal on 2.5.2014 received on 6.5.2014 under Section 19 of the RTI Act for not getting the information furnished by the CPIO, the respondent vide letter NO. 21(115)/2014 dated 3.4.2014.

Brief facts of the case:

1. The appellant vide his application dated 22.3.2014 received on 26.3.2014 sought information relating to judgment of CAT.
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(115)/2014-IC dated 3.4.2014.
3. Being aggrieved with the information of the respondent the appellant has filed an appeal received on 6.5.2014.

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 3.4.2014 is the substantive response for the information asked by the applicant in the original application dated 22.3.2014.
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 Act. It appears that the appellant has not got the reply of the respondent. Hence respondent is directed to send a copy of his reply again to the appellant within a week from the date of receipt of this letter.
7. 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 2nd 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:18.6.2014

Copy to:

1. Shri Surjit Singh, House No. 688, Housing Board Colony,
Sector 7, Ambala City (Haryana)

2. Smt. Asha Sota, CPIO/Under Secretary, Deptt. of Legal Affairs.

(DR. GITA RAWAT)
Joint Secretary & Appellate Authority
Date: 18.6.2014

By Speed Post

FTS.No.21(115)/2014-IC
Government of India
Ministry of Law & Justice
Department of Legal Affairs
IMPLEMENTATION CELL

Shastri Bhawan, New Delhi.
Dated 03.04.2014

To
Shri Surjit Singh,
H.No.688,
Housing Board Colony,
Sector-7,
Ambala City
(HARYANA)

Subject: - Information under RTI Act, 2005.

Sir,

I am to refer to your letter dated 22.03.2014 (received pm 26.03.2014) on the subject mentioned above and to say that on the subject mentioned above and to say that an applicant's right under the RTI Act, 2005 extends only to seeking information as defined in Section 2 (f) of the Act. The information sought by you is in the nature of queries amounting to seeking legal advice and hence, the same is not covered within the ambit of the definition of 'information' as given under Section 2 (f) of the RTI Act, 2005. A copy of your application is being transferred to Department of Pension & Pensioners' Welfare to provide the information, if any available with them.

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

Yours faithfully,

(K.GINKHAN THANG)

DS&Central Public Information Assistant

Copy to: The CPIO, Department of Pension & Pensioners' Welfare, North Block, New Delhi, along with the copy of application dated 22.03.2014 of Shri Surjit Singh, for appropriate action.

Received
7-4-2014

APPELLATE AUTHORITY

JOINT SECRETARY & LEGAL ADVISER
MIN OF LAW & JUSTICE
DEPT OF LEGAL AFFAIRS
ROOM NO 408, 'A' WING 4TH FLOOR
SHASTRI BHAWAN DELHI - 110001

Pl. put upon
file
Appeal
in RTI
27/5/14

INFORMATION REQUIRED UNDER RTI ACT 2005

1. Ref:- FTS NO 21(115) 2014-1C dated 03.04.2014
- 2 with ref to above.
3. It clearly shows that IPO has not gone through the said letter (i.e 22.03.2014) properly (copy attached otherwise such type of reply not accepted).
4. Now your kind attention is drawn towards para 87 of said letter.
5. Para 5 of said letter has a reference of two who photo copy was attached earlier, with this too which clearly state that judgement of Hon'ble High Court of Delhi dated 29/04/2013 on writ petition under examination with min. of finance since the I simply wants information about that, How much more time is required for examination.
6. Hope to hear soon.

~~As to...~~

Dated: 02 ndr May 2014

Enclosures: 1. Representation dated

- 22.03.2014
2. AM/RTI/2270/SS/2013 dt 29/10/2013
3. PEDA NO 91/C/OA NO 655/2010/XIV dated 09/10/2013.

Singh
< SURJIT SINGH >
688 H.B.C
SECTOR - 7,
ANAPAZA CITY
134003.

R&Dy. No. 718
Dy. No. 6.1.5/14

27/5/14

The Public Information Officer
Ministry of law & Justice
Department of Legal Affairs
Shastri Bhawan 'A' Wing
Dr Rajindra Prasad Road,
New Delhi - 110001.

Subject Information required under RTI Act 2005 regarding revision of pension in respect of pre 2006 retire.

Reference F.No. 21 (115) 2014 -IC of 10.03.2014.

With reference to above.

Keeping judgement of Principal Bench of CAT New Delhi dated Nov. 01.2011 (copy attached) on the above cited subject. Which is further published in News paper "Tribune" on dated Nov. 05, 2011 (copy attached), vide which the full bench of CAT has granted relief to central Government pensioner, who retire prior to 2006.

So I too initiated my case for fixation of pension through proper channel (copy attached).

During process my case was forwarded to PCDA (pension) Allahbad vide GE (S) Ambala Cantt letter No. 1080/Gen/204/EI pens dated 22 October 2013. (copy attached).

5. PCDA vide letter No. AN/RTI/2270/SS/2013 dated 29.10.13 (copy attached) enclosed their office No. GI/C/OA No. 655/2010/XIV dated 09.10.2013. Which states writ petition filed by DP & PW against full bench judgement of CAT in OA No. 655/2010 of 01/11/2011. Further intimate that judgement of Hon'ble High Court of Delhi dated 29.04.13 on the writ petition is under examination with ministry of Law/Finance.

Its nearly eleven month the concerned authority has not received any intimation on the examination result. Due to which my case for Revision of pension is pending.

So I use RTI Act 2005 to know the time required for delivering the decision and reason for delay vide my letter dated 05th Feb. 2014.

Date :- 21 March, 2014
Closer : As Stated

Surjit Singh
SURJIT SINGH
688 Housing Board Colony,
SECTOR - 7
AMBALA CITY (HARYARNA)