OFFICE OF THE SENIOR SUPERINTENDENT OF POLICE–CUM-1st APPELLATE AUTHORITY (UNDER RTI ACT 2005), UT, CHANDIGARH

Appeal Order No. D-193-195 **/UT/RTI/SSP, dated :** 08.06.2020

Name of Appellant	:	Dr. Mohit Dhawan R/o H. No. 1197, Sector 21 B, Chandigarh
Concerned CPIOs	:	CPIO/East
Date of RTI application	:	received on 20.03.2020
Date of CPIO's Reply	:	04.04.2020, 21.04.2020 & 05.05.2020
Date of 1st Appeal	:	04.05.2020

ORDER

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The appellant has preferred his 1st appeal against the reply/order of CPIO/Hqrs & East in connection with his RTI application with the contentions that requisite information was not supplied to him. The instant appeal was diarized vide no. 39/UT/RTI/FAA/SSP dated 04.05.2020 for further proceeding under RTI Act. The instant appeal is also transferred to FAA-cum-SP/Hqrs as RTI application was dealt by CPIO/Hqrs with respect to points concerning to his office.

Information sought vide RTI application :-

The appellant had sought information on 05 points pertaining to orders & name of officers upon whose recommendations Special Counsel Sh. Charanjit Singh Bakshi was appeared before the Ld. Courts in case nos. MISC/980/2019 dated 06.02.2020 and CRR/61/2020 dated 26.02.2020 titled as Mohit Dhawan Vs. UT Chandigarh, copy of order and name of officer upon whose recommendations Supdt. for Legal Remembrancer-cum-Director of Prosecution, Chandigarh Administration has issued memo no. JA-LD-(DA/2020/93)-2020/3000 dated 12.03.2020 and names & number of Special Public Prosecutors appointed by Director of Prosecution for Chandigarh Police for the financial years 2018-19 and 2019-20 etc.

Comments of CPIO/East :-

Comments of CPIO/East have been obtained who submitted that RTI application of the appellant was received in his office through CAPIO/PHQ vide letter no. 432/RTI/CAPIO/UT/PWS dated 20.03.2020. Thereafter, requisite information with respect to point nos. 1 & 2 was obtained from PS Sector 19 who submitted that he had sent only two requests vide nos. 20-5A and 204-5A to senior officers to appoint govt. counsel to defend the cases before the Ld. Courts which were further dealt by HAC branch. Accordingly, RTI application w.r.t. point nos. 1 & 2 was transferred to CPIO/Hqrs on 04.04.2020 but applicant could not be informed as no mobile number/Email-ID was mentioned by him in his RTI application. However, on 21.04.2020 the aforementioned letter was again sent to applicant's house who refused to receive the same and in reply sent an email requesting to supply information via email.

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Thereafter, on 27.04.2020 CPIO/Hqrs has transferred the RTI application to CPIO/East with respect to all points with remarks that whole information is related

with SHO PS Sector 19, Chandigarh. Thereafter, appellant was informed that information related to point nos. 1 & 2 cannot be supplied being department's internal confidential proceedings and as a personal information hence denied u/s 8(1)(e) & (j). Moreover, Hon'ble CIC vide order no. CIC/AT/A/2006/00586 dated 18.09.2007 has clarified that quasi judicial proceedings cannot be disclosed as information. However, with respect to point nos. 3 & 4, RTI application was transferred to CPIO/Legal Remembrancer-cum-Director of Prosecution, Chandigarh Administration for further proceedings.

Decision :-

I have gone through the contents of RTI application & appeal of the appellant, comments of CPIO/East vis-à-vis material available on record which revealed that the RTI application was wrongly dealt by both the CPIOs i.e. CPIO/East and Hqrs as only part information of point nos. 1 & 2 was related with CPIO/East and Hqrs. Point nos. 3 & 4 were completely related with the office of Ld. Legal Remembrancer-cum-Director of Prosecution, Chandigarh Administration. He is the competent authority to appoint legal counsels for defending the cases filed against Chandigarh Administration and other such matters.

RTI application should have been transferred to the office of Ld. Legal Remembrancer-cum-Director of Prosecution, Chandigarh Administration immediately after receipt of the same but CPIOs did not do so.

In view of above, setting aside the order of CPIO/East, he is hereby directed to supply the copies of the requests of appointing the counsel to the appellant free of cost immediately without any further delay.

Moreover, with regard to information concerning CPIO/Hqrs, instant 1st appeal is also transferred to SP/Hqrs being 1st Appellate Authority of CPIO/Hqrs for further proceedings at his own level.

With these observations, the appeal of the appellant stands disposed as far as the office of the undersigned is concerned.

In case, the appellant is not satisfied with the disposal of this appeal, he can file second appeal before the Hon'ble CIC, CIC Bhawan, Baba Gangnath Marg, Munirka, New Delhi-110067 under the RTI Act within 90 days.

8/6/2010

(Nilambari Jagadale, IPS)
Senior Superintendent of Police
Union Territory, Chandigarh-cum-
1st Appellate Authority.

1. Dr. Mohit Dhawan,
   R/o H. No. 1197, Sector 21 B,
   Chandigarh.
2. CPIO/East
3. Computer Section