



**THE SUPERINTENDENT OF POLICE HQs.-CUM-APPELLATE
AUTHORITY-HQs., UNDER RIGHT TO INFORMATION ACT, 2005.**

Order on First Appeal u/s 19 RTI Act.

This is an order on the appeal dated 29.10.19 preferred by Sh. Janamejay Shukla C/O Sohan Lal, Room No. 204, 2nd floor, House No. 27, F-12, Gali No. 6, Wazirabad village, New Delhi-110084 under RTI Act 2005 and received in this office on 30.10.2019. The appellant has filed this appeal against the disposal of his RTI application dated 26.10.2019 by Nodal Officer(RTI)-cum-DSP/Hqrs.

1. The appellant, vide his application dated 26.10.2019, under RTI Act-2005, had requested to supply him information regarding his earlier filed RTI application dated 22.12.16. Nodal Officer (RTI)-cum-DSP Hqrs. returned the application to the appellant with the request to file fresh application.

2. The information sought by the appellant, supplied by the CPIO and grievance of the appellant is given below:

Sr. No	Information sought in RTI application	Remarks of Nodal Officer	Grievance raised in first appeal
1.	Dear Sir, I had submitted an RTI application dated 22.12.2016 for which I was Invited for inspection through attached reply No. 1411/DSP/Hqrs./RTI-16/D-1658 dated 27.12.2016. Because of unavailability I could not visit office and still today it is not possible for me to come to Chandigarh. I am submitting a fresh RTI in this regard. Kindly provide a copy of complete file. I am ready to pay requisite fee. I request you to send the document at my current address on Delhi. I have attached a copy of your earlier reply and submission receipt of RTI for your reference. Let me know if you need any other information.	The previous RTI application is very old. So, you are requested to file a fresh RTI application with complete particulars i.e. complaint number to pursue further in the matter.	<p>Dear Sir. Reply of CPIO is unacceptable to the extent that CPIO wants question should be addressed according to his convenience. Earlier also, in my old RTI application CPIO asked me to visit office even though I had clearly mentioned that all the documents attached in my complaint should be provided. The reply to RTI application in this manner is against the provisions of RTI Act. Please consider following points:</p> <p>1) CPIO has requested me to file a fresh RTI with case details. If there was any doubt he could have contacted me through email or phone number. Direction to file a fresh RTI is beyond his jurisdiction and is a sole choice of the applicant.</p> <p>2) It was a fresh RTI and not an old one. Asking me to file again a new RTI application is a clear wastage of time and money. I believe CPIO did not consider that the RTI application he returned to me was paid with required fee. Asking me again to file a fresh RTI, indirectly CPIO is again demanding a fee for it. Wastage of precious resources of country and applicant should not be allowed.</p> <p>3) In his reply, CPIO has asked complete particulars i.e. complaint number. I had requested information of an old RTI. As per his answer it appears that old RTI is not an information. If someone wants information about old RTI, what is the problem in it. He could</p>

			<p>have searched that RTI particulars and supplied the information is this regard.</p> <p>4) This reply discourages the applicant and promotes the repetition of effort of both information seeker and information provider. I had provided the sufficient information and two valuable documents to trace old RTI but instead of doing so CPIO chose to return the RTI application.</p> <p>5) The information sought pertains to the complaint number PW201601372. I request you to direct the CPIO to provide me a certified copy of all the documents related to this complaint as requested in original RTI application.</p>
--	--	--	--

3. The comments of Nodal Officer (RTI)-cum-DSP/HQs. have been called for. He has reported that RTI application of Sh. Janamejay Shukla dated 26.10.19 was received on the portal of Nodal Officer of RTI MIS. On 29.10.19, RTI application was returned to the appellant with the remarks that memo no. 1411/DSP/Hqrs./RTI-16/D-1658 dated 27.12.2016 is old one and he had not mentioned complete particulars e.g. complaint number, DDR/FIR number in his RTI application. Further appellant was requested to file fresh RTI application with complete particulars to pursue further in the matter. It is pertinent to mention here that earlier RTI application of the appellant was received in the O/o CPIO-cum-DSP Hqrs, UT, Chandigarh to supply the information of complaint no. PW-201601372. Accordingly, on 26.12.2016, I/C HAC (custodian of record) was directed to supply the relevant file. After obtaining the same, appellant was informed vide letter no. 1411/DSP/Hqrs/RTI-16/D-1658 dated 27.12.2016 to visit the O/o CPIO-cum-DSP/Hqrs, UT., Chandigarh and collect relevant information/documents against payment of Rs. 2/- page under the provision of RTI Act 2005. But, appellant didn't turn up and now wants information on the base of his earlier RTI application.

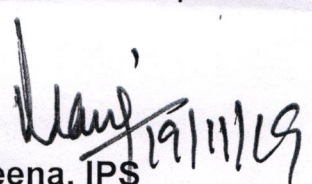
4. The appellant was contacted telephonically on 14.11.2019 at 10.50 AM and was offered personal hearing. He denied to avail the same. He requested that he should be supplied the information.

5. Decision of the First Appellate Authority:

I have gone through the RTI appeal, vis-a-vis facts of the RTI application & comments of Nodal Officer (RTI). The appellant had requested DSP-cum-CPIO/Hqrs. in December, 2016 to supply him information pertaining to complaint No. PW201601372. The CPIO informed the appellant vide his letter dated 27.12.16 to visit his office and collect the relevant information. But the appellant neither turn up nor inform any reason for the same. Now vide his RTI application dated 26.10.19 he want information sought on the same RTI application of 2016. From the perusal of RTI appeal, the appellant seems very much aware of his rights but not of his obligations and limitations. Time period is also an integral part of the RTI Act. All, i.e. RTI application, first appeal and second appeal have time limitations for filing and disposal. The CPIO/nodal officer is not bound to supply him the information he had sought 3 years ago and which was offered for

inspection in response to the earlier RTI. I being appellate authority agree with the Nodal Officer returning RTI application. However, the CPIO is at liberty to consider the request of the appellant sympathetically, summon the complaint file i.e. PW201601372 from the concerned branch, count the pages and inform the appellant to deposit the amount of Rs. 2 per page. After receiving the charges, he may supply the information at the residence of the appellant. The appeal is disposed of accordingly.

The appellant, if not satisfied with the disposal of appeal in the manner as above can file second appeal with the Hon'ble Chief Information Commission, CIC Bhawan, Baba Gangnath Marg, Munrika, New Delhi-110067 within a period of 90 days.


Manoj Kumar Meena, IPS
Superintendent of Police, HQs.,
-cum-Appellate Authority/HQs.,
U.T., Chandigarh.

Sh. Janamejay Shukla C/O Sohan Lal,
Room No. 204, 2nd floor, House No. 27,
F-12, Gali No. 6, Wazirabad village, New Delhi-110084.

No. D- 227-29 /RTI/SP/HQs. dated Chandigarh, the: - 19.11.19

Copies to the: -

1. DSP HQs.-cum-Nodal Officer(RTI) for necessary action.
2. I/C Computer Section for updating the Web.

HC Sanjay Singh
For m/9

Insp/computer
20-11-19