CPIO/PHQ, therefore, RTI application was transferred to his office for supplying the same.

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

**Appeal Order No.** D-390-393 **/UT/RTI/SSP, dated :** 30-9-XX

| | | |
|---|---|---|
| Name of Appellant | : | Sh. Hemant Gupta,<br>R/o H. No. 211, Sector 18-A, Chandigarh. |
| Concerned CPIOs | : | CPIO/PHQ & East |
| Date of RTI application | : | 01.09.2020 |
| Date of CPIO's Reply | : | 18.09.2020 |
| Date of 1st Appeal | : | 22.09.2020 |

**O R D E R**

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The appellant has preferred his online 1st appeal vide registration No. PODEP/A/E/20/00072 dated 22.09.2020 against the reply/order of CPIO/PHQ & East in connection with his RTI application bearing registration No. PODEP/R/E/20/00401 dated 01.09.2020 with the contentions that requisite information was not supplied to him. The instant appeal was diarized vide no. 100/UT/RTI/FAA/SSP dated 23.09.2020 for further proceeding under RTI Act.

**Information sought vide RTI application :-**

The appellant had sought information as under:-

1. As to whether SSP Chandigarh was aware of the Communication from the Enforcement Directorate dated 04.11.2016, when a letter was written by him on 14.03.2018 to the Superintendent, Estate Office, UT, Chandigarh in respect of Booth No. 26, Sector 18-D, Chandigarh in respect of complaints filed against Alka Gupta wife of Justice Hemant Gupta.
2. What follow up action has been taken by the Office of SSP, Chandigarh to the letter dated 14.03.2018.

**Comments of CPIO/East:-**

Comments of CPIO/East have been obtained who submitted that online RTI application of the appellant was received in his office for supplying the requisite information. Thereafter, report from SHO/PS-19 was sought who reported that no such letter has been received in connection with Booth No. 26, Sector 18D, Chandigarh. Moreover, requisite information is pertaining to

CPIO/PHQ, therefore, RTI application was transferred to his office for supplying the same.

**Comments of CPIO/PHQ :-**

Comments of CPIO/PHQ have been obtained who submitted that online RTI application of the appellant was received in his office for supplying. Thereafter, report from Reader/SSP/UT was obtained and appellant was informed vide No. 97/DSP/Hqrs/OnlineRTI-2020, D-106 dated 29.07.2020 that requisite information is not available in the office record.

**Decision :-**

I have gone through the contents of RTI application & appeal of the appellant, comments of CPIO/PHQ & East vis-à-vis material available on record which revealed that the appellant has sought information on two aforementioned points pertaining to communication/letter from the Enforcement Directorate dated 04.11.2016 and letter dated 14.03.2018 written by SSP/UT to Superintendent, Estate Office, UT, Chandigarh in respect of Booth No. 26, Sector 18-D, Chandigarh in view of complaints filed against Alka Gupta wife of Justice Hemant Gupta.

So far as the appeal is concerned, CPIO/East has submitted that no such letter dated 04.11.2016 was received and enquired by his office.

CPIO/Hqrs also intimated the appellant vide letter no. 130/DSP/Hqrs/Online RTI-2020/D-126 dated 18.09.2020 that no such information is available in the record. Although, CPIO/Hqrs has supplied information to the appellant only on the basis of comments of Reader to the undersigned i.e. SSP/UT. Reader Branch of the undersigned SSP/UT is not the custodian of any information/record instead he should have taken the comments of Incharge of record branch i.e. HAC branch from where all letters/ correspondences are made to other departments on behalf of Chandigarh Police and its senior officials like W/DGP, SSPs etc and relevant record/files are also kept by HAC branch. So, incomplete information was supplied to the appellant by CPIO/Hqrs. Hence, CPIO/Hqrs is hereby advised to remain careful in future while disposing of the RTI applications and strictly follow the provisions of RTI act.

It is also pertinent to mention here that the whole matter i.e. all complaints related to Booth No. 26, Sector 18 D, Chandigarh were enquired by Economic Offences Wing of Chandigarh Police and Vigilance Department, Chandigarh. The letter dated 15.03.2018 was written by the undersigned to the Superintendent Estate Office regarding complaint no. 2015-13024 dated 29.09.2015 to apprise him that all the complaints of the complainant (Sh. Yashpal Chandana R/o H. No. 271, FF, Sector 33 A, Chandigarh against Smt. Alka Gupta, 281, Sector 16, Chandigarh) have already been filed after completion of enquiries and a separate enquiry has already been initiated by the Directorate of Enforcement Directorate against the alleged persons, as such, no further police action is warranted at this stage.

So far as the information sought is concerned i.e. 1. As to whether SSP Chandigarh was **"aware"** of the communication dated 04.11.2016..... 2. What follow up action is....., there is no record of letter dated 04.11.2016 of Enforcement Directorate received in the office of the undersigned (SSP/UT) and no more justification/reasons can be supplied w.r.t. point no. 01 under RTI act and no more information w.r.t. point no. 02 is available. All the available information is explained above. With these observations, the instant appeal stands disposed of.

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.

Vineet

**(Vineet Kumar, IPS)**
**Senior Superintendent of Police**
**Union Territory, Chandigarh-cum-**
**1st Appellate Authority.**

1. Sh. Hemant Gupta,
   R/o H. No. 211, Sector 18 A, Chandigarh
2. CPIO/PHQ
3. CPIO/East
4. Computer Section

HC. Sanjay Kumar

Insp/com/UT
01-10-2020

Computer Section
Rec. No. 1124
Dated 05/10/2020