



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

Appeal Order No. D-340-343

/UT/RTI/SSP, dated : 21/09/2023.

Name of Appellant :

Sh. Prikshit Bahl,
R/o H. No. 132, Sector 20 A,
UT Chandigarh Mob. 98720-22132

Concerned CPIO :

CPIO/East & Hqrs

Date of RTI application :

01.06.2023

Reply of CPIO :

03.07.2023

Date of 1st Appeal :

26.07.2023

ORDER

The appellant has preferred online 1st appeal bearing No. PODEP/A/E/23/00063 dated 26.07.2023 against the disposal of his online RTI application bearing No. PODEP/R/E/23/00476 dated 01.06.2023 by CPIO/East with the contentions that requisite information was not provided to him.

Information sought vide RTI application :-

The appellant vide his online RTI application bearing No. PODEP/R/E/23/00476 dated 01.06.2023 had sought information on five (05) points pertaining to complaints bearing Nos: 2020-08221, ICMS/2022/016893, ICMS/2023/009740, ICMS/2023/010975, ICMS/2023/005179 & ICMS/2023/009901 filed by the appellant and complaint nos. 2018-14180 & ICMS/2023/001348 filed by Ms. Bharti Bahl R/o H. No. 132, Sector 20 A, Chandigarh. Out of these points, point nos. 1, 3 & 5 are related to complaints which were filed by the appellant whereas, point nos. 2 & 4 are related to complaints which were filed by Ms. Bharti Bahl.

COMMENTS OF CPIO/East :-

CPIO/East vide his comments submitted that RTI application of the appellant was received in his office to supply the requisite information. Thereafter, requisite information was obtained from SHO PS Sector 19 and as per report of SHO PS 19, RTI application was transferred to CPIO/Hqrs with respect to part information of point nos. 1, 3 & 5 as complaints bearing nos. 2020-08221 & ICMS/2022/016893 have been sent to CRU branch, PHQ for further necessary action and part information concerning to these points was denied to the appellant as complaints nos. ICMS/2023/009740, ICMS/2023/010975, ICMS/2023/005179 & ICMS/2023/009901 were under enquiry at that time. Moreover, information pertaining to remaining points i.e. point nos. 2 & 4 was denied to the appellant u/s 8(1)(j) of RTI act being personal information of third party (Ms. Bharti Bahl) vide letter No. 131-RTI/CPIO/East dated 30.06.2023

Comments of CPIO/Hqrs :-

CPIO/Hqrs vide his comments submitted that RTI application of the appellant was received in his office with respect to complaint nos. ICMS/2022/016893 & ICMS/2023/001348. Thereafter, requisite information/report was obtained from concerned branch (CRU branch) who submitted that complaints in question, are under consideration for finalization. Hence, requisite information was denied to the appellant u/s 8(1)(h) of RTI act vide letter No. 187/CPIO/Hqrs/Online/RTI-23/D-131 dated 23.06.2023.

DECISION :-

I have gone through the contents of RTI application, appeal of the appellant, comments of CPIO/East and Hqrs vis-à-vis material available on record which revealed that the appellant vide his RTI application had sought information on five (05) points pertaining to complaints bearing Nos. 2020-08221, ICMS/2022/016893, ICMS/2023/009740, ICMS/2023/010975, ICMS/2023/005179 & ICMS/2023/009901 filed by the appellant and complaint nos. 2018-14180 & ICMS/2023/001348 filed by Ms. Bharti Bahl R/o H. No. 132, Sector 20 A, Chandigarh. Out of these five points, point nos. 1, 3 & 5 are related to complaints which were filed by the appellant whereas, point nos. 2 & 4 are related to complaints which were filed by Ms. Bharti Bahl.

In reply, CPIO/East had transferred the RTI application to CPIO/Hqrs with respect to part information of point nos. 1, 3 & 5 as complaints bearing nos. 2020-08221 & ICMS/2022/016893 have been sent to CRU branch, PHQ for further necessary action and part information concerning to these points was denied to the appellant as complaints nos. ICMS/2023/009740, ICMS/2023/010975, ICMS/2023/005179 & ICMS/2023/009901 filed by the appellant were under enquiry at that time. Moreover, information pertaining to complaints filed by Ms. Bharti Bahl as mentioned in point nos. 2 & 4, was denied to the appellant u/s 8(1)(j) of RTI act, being personal information of third party.

Thereafter, CPIO/Hqrs had denied the requisite information to the appellant u/s 8(1)(h) of RTI act as the complaints under his custody, were under enquiry at that stage.

So far as the instant appeal is concerned, total 07 complaints were considered by both the CPIOs i.e. complaint Nos. 2020-08221, ICMS/2022/016893, ICMS/2023/009740, ICMS/2023/010975, ICMS/2023/005179, ICMS/2023/009901 filed by the appellant & complaint No. ICMS/2023/001348 filed by Ms. Bharti Bahl, out of which, complaint bearing Nos. ICMS/2023/009740, ICMS/2023/010975, ICMS/2023/005179, ICMS/2023/009901 & ICMS/2023/001348 are still under enquiry and complaint bearing No. 2020-08221 & ICMS/2022/016893 have already been consigned to record after finalization of enquiry.

It is also pertinent to mention here that both the CPIOs have not considered a complaint filed by Ms. Bharti Bahl as mentioned in point no. 02 i.e. complaint no. 2018-14180 which is also consigned to record after completion of enquiry.

Moreover, it is also noticeable that CPIO/East had denied the requisite information of point nos. 2 & 4 concerning to complaints filed by Ms. Bharti Bahl, to the appellant u/s 8(1)(j) of RTI act being personal information of third party, without taking the consent of third party i.e. Ms. Bharti Bahl which is against the provisions of the RTI act.

Henceforth, information concerning to complaints which has been consigned to record after finalization of enquiry proceedings, can be supplied to the appellant whereas, information concerning to complaints which are still under enquiry, cannot be supplied to the appellant till the finalization of enquiry proceedings, hence, denied 8(1)(h) of RTI act.

Accordingly, CPIO/Hqrs is hereby directed to supply the available information pertaining to complaint Nos. 2020-08221 & ICMS/2022/016893 to the appellant as per RTI act. He is further directed to take consent of the third party as per section 11(1) of RTI act in connection with complaint no. 2018-14180 and proceed further as per RTI Act.

With these observations, instant appeal stands disposed off accordingly.

In case, the appellant is not satisfied with the disposal of his 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.

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

Sh. Prikshit Bahl,
R/o H. No. 132, Sector 20 A,
UT Chandigarh Mob. 98720-22132

Copies to :-

- 1 CPIO/East
- 2 CPIO/Hqrs
- ✓ 3 Computer Section.

