

F.No. PB/RTI/39/2018-19
CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

61/35, Copernicus Marge,
New Delhi-110001.

Dated:25.10.2018

Appeal No. 21/2018-2019

Sh. Rajesh Kumar

Appellant

CPIO (Judicial)
Central Administrative Tribunal

Respondent

Facts:

This first appeal has been received on 04.10.2018. It has been filed against the reply dated 19.09.2018 of the CPIO to the RTI application dated 20/08/2018 of the appellant herein. I have gone through the RTI and CPIO's reply thereto.

The definition of 'Information' in section 2(f) of the RTI Act refers to any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts,

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reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;

The information sought for in point No.1 is in the nature of clarification and advice. The Hon'ble Supreme Court in the matter Central Board of Secondary Education and anr. Vs Aditya Bandopadhyay and ors. has held that a public authority is not required to provide advice or opinion to an applicant.

The term 'right to information' is defined in section 2(j) as the right to information accessible under the Act which is held by or under the control of any public authority. The term 'record' is defined in section 2(i) of the said Act as including any document, manuscript or file among others. Hence information seek in point no 2 is not specific, as whether the appellant sought the to inspect of work of public authority which is constituted under the Constitution of India or law made by the Parliament, is an independent authority under the Constitution of India or whether the appellant sought the inspection of any documents, records, notes, extracts, etc. which are not mentioned in his RTI application and are under the control of public authority.

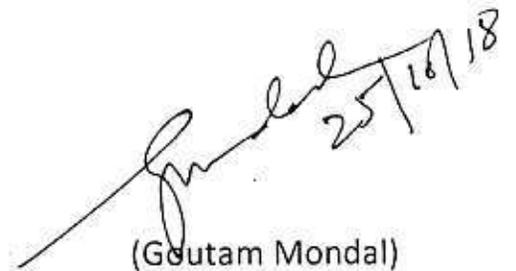
If the Applicant sought inspection of any record/ documents which is under the control of public authority, he may do so by intimation the CPIO in advance.

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This appeal is, thus disposed of.

In case the Appellant is not satisfied with this decision, he may file Second Appeal before the Second Appellant Authority, i.e. Central Information Commission, 2nd Floor, B-Wing, August Kranti Bhawan, Bhikaji Kama Place, New Delhi-110066.



25/10/18

(Goutam Mondal)
Registrar/ First Appellate Authority

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2. CPIO (Judicial), Central Administrative Tribunal, Principal Bench, New Delhi.
3. SO (c) to upload it on the official website of Central Administrative Tribunal, Principal bench, New Delhi.