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File No.14039/05/2013-UTS.I
Government of India
Ministry of Home Affairs

North Block, New Delhi-110001
Dated the 04th July, 2013

ORDER

Shri Vibha Kumar Jha has preferred 1st appeal dated 03.06.2013 (received in UTS-I Desk, MHA on 18.06.2013 vide letter dated 13.06.2013 of CS Division, MHA)

2 Sh. Vibhas Kumar Jha had earlier registered his two grievances having registration No MINHA/E/2013/00533 and RSEC/E/2013/04225 and the same were transferred to UTS-I Desk, MHA vide OM dated 06th May, 2013 by Director & CPIO(CS Division) under RTI Act 2005.

3. CPIO vide OM dated 13/17th June 2013 conveyed to CS Division under intimation to the applicant that in his letter the applicant has not sought any information under RTI Act, 2005. Rather the applicant has requested to take action against Sh. Sagar Preet Hooda. The appellant may note that redressal of grievances is not covered under the domain of RTI Act, 2005

4. The appeal filed by Sh. Vibhas Kumar Jha has been carefully considered and it is found that the aforesaid reply/decision of the CPIO with reference to CS Division's OM dated 06.05.2013 is in conformity with the Right to Information Act, 2005. However the applicant is informed that his similar complaint dated 14.03.2013 against Sh. Sagar Preet Hooda, IPS has been sent to CP Delhi seeking factual comments/report.

5. The appeal is accordingly disposed of.

(K.K.Pathak)
Joint Secretary (UT) &
Appellate Authority

To

Shri Vibhas Kumar Jha,
C/o Shri Sanjeev Yadav,
House No. 272, Naharpur,
Rohini (Sector-7), Delhi-110085

O/c

जारी किया / ISSUED
हस्ता / Sig. <i>[Signature]</i>
दिनांक / Date... 05/07/13

JS/CS/Secy
Dir(CSG)

S.No-3(R) (48)

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BEFORE FIRST APPELLATE AUTHORITY (RTI), JOINT SECRETARY (CS DIVISION), MINISTRY OF HOME AFFAIRS, NORTH BLOCK, NEW DELHI-1

Case No 116837

APPEAL NO. 2013

IN THE MATTER OF :

VIBHAS KUMAR JHA

APPELLANT

VS



CPIO
JOINT SECRETARY (CS)
NDCC-II BUILDING , JAI SINGH ROAD
MINISTRY OF HOME AFFAIRS
NORTH BLOCK, NEW DELHI-110001

RESPONDENT NO.1

SHRI SANJYA MISHRA
CPIO & UNDER SECERATRY
MINISTRY OF HOME AFFAIRS
NORTH BLOCK
NEW DELHI-110001

Dir CS-3

RESPONDENT NO. 2

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4.	Annexure-A2: Copy of reply dated 16/04/2013 by Respondent No.2	6

Date: 3/6/2013

Appellant

Place :Delhi

Vibhas Kumar Jha
H.N. 272, Naharpur,
Sector-7, Rohini
Delhi-110085

Mobile No. 9868764701

Email : advocate_vkja@yahoo.com

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13/6/13

11/6/13
So CR/11/B

Rajesh
11/6/2013

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BEFORE FIRST APPELLATE AUTHORITY (RTI), JOINT SECRETARY(CS
DIVISION) , MINISTRY OF HOME AFFAIRS, NORTH BLOCK, NEW DELHI-1

APPEAL NO..... 2013

IN THE MATTER OF :

VIBHAS KUMAR JHA

....

APPELLANT

VS

CPIO

JOINT SECRETARY (CS)

NDCC-II BUILDING , JAI SINGH ROAD

MINISTRY OF HOME AFFAIRS

NORTH BLOCK, NEW DELHI-110001

RESPONDENT NO.1

SHRI SANJYA MISHRA

CPIO & UNDER SECRETARY

MINISTRY OF HOME AFFAIRS

NORTH BLOCK

NEW DELHI-110001

.. ...

RESPONDENT NO. 2

FIRST APPEAL UNDER SECTION 19(2) OF RTI ACT, 2005 AGAINST
RESPONDENTS/CPIO FOR NOT PROVIDING THE INFORMATION SOUGHT
UNDER RTI ACT 2005.

Most respectfully sheweth:

1. The Appellant sought the information under RTI Act, 2005 Vide RTI application dated 10/04/2013 sent through speed post receipt no. ED847629952IN dated 11/4/2013 and deposited the fee of Rs. 10/- vide receipt no. 24427 dated 15/04/2013 to the Ministry of Home affairs, North Block , New Delhi -1 which has been duly acknowledged and received on dated 12/04/2013 by CPIO, Ministry of Home affairs, New Delhi-110001

Copy of RTI application dated 10/04/2013 along with postal receipt is annexed as Annexure-1

2. That the Respondent/CPIO No. 2 transferred the RTI application 10/4/2013 to Respondent/CPIO No. 1 for just shift his burden to some another CPIO to provide the information, however, the Respondent no. 1 has not provided any information till date as sought RTI application dated 10/04/2013 within 30 days (maximum 45 days) after receiving the RTI application on dated 12/04/2013

Copy of reply/transfer letter dated 16/4/2013 by Respondent No. 2 to Respondent no. 1 is annexed as **Annexure-2**

3. That the appellant aggrieved with the non- information provided by CPIO/Respondents as information sought as per RTI application dated 10/4/2013. The appellant, therefore is filing the present appeal amongst the following **grounds**:

A. Because the Respondents have deliberately and malafidely not provided the information within 30 days after receiving the RTI application to just save the accused IPS officer and hence Respondent violated the section 7 of RTI Act, 2005

B. Because the Respondent have connivance with the accused IPS officer deliberately not provided any information for the point No. 1 to 3 of RTI application dated 10/4/2013, which is exclusively related to the Ministry of Home affairs and non others . Therefore, CPIO/respondents violated the RTI act, 2005 and liable to penalty under section 20 of RTI act.

C. Because Respondents/CPIO have negligently ignored the basic provision of RTI act and not provided any information in related to complaint dated 18/3/2013 to the President' Secretariat to save the accused because accused is posted in his own department at PS to MHA, Government of India, New Delhi

D. Because the Respondents have deliberately not provided any information which they are duty bound to provide the information under Right to information Act, 2005 and hence, the Respondents have violated the RTI act 2005.

E. Because the respondent no. 2 has violated the principle of natural justice by giving such reply dated 16/4/2013 without any efforts to

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collect the information from his departments and which is gross negligence of his party of discharging his duty.

4. That the appellant filed the document annexed with this appeal is its respective true copies of originals.
5. That the appellant has not received any reply from the respondents within 30 days (12/5/2013) and within maximum 45 days (27/5/2013) from the date of receiving the application. Hence, this appeal is within time of limitation.
6. That the appellant want to be heard in person or by his authorized representative during hearing of this appeal.

Prayer

In view of above facts and circumstances, it is prayed to this first appellate authority to kindly:

- a) Give the direction to Respondents / Central Public Information Officer to provide the complete information as per RTI application dated 10/04/2013
- a) Take appropriate action against the Central Public Information Officers for not providing the information within 30 days from the date of receiving the RTI application and impose the penalty under section 20 of RTI Act 2005 and give the reason for not taking any action against the respondent.
- b) Summon and inquire under section 18 of RTI against the respondent for deemed refusal to provide any information to the appellant
- c) Pass any order which this appellate authority deem fit and proper in the interest of justice

Date :03/06/2013

Place : Delhi

Appellant



Vibhas Kumar Jha

H.N. 272, Naharpur,

Sector-7, Rohini

Delhi-110085

Mobile No. 9868764701

Email : advocate_vkjha@yahoo.com

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To
Central Public Information officer,
Ministry of Home Affairs
Government of India
North Block, New Delhi-110001

10th April, 2013

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Annexure - A1

Subject: Seeking information under RTI Act , 2005

Sir

1. The Applicant has lodged the complaint No. PRSEC/E/2013/04225 dated 18/3/2013 to the President's Secretariat helpline and the same was transferred vide order dated 19/3/2013 to Shri Satpal Chauhan, Joint secretary, Ministry of Home affairs, Government of India , Room No.9, North Block, New Delhi for taking necessary action and and the applicant has also sent all the supporting documents related to the complaint no PRSEC/E/2013/04225 to Mr. Satpal Chauhan, Joint Secretary, MHA via email dated 24/3/2013. now the applicant is seeking the following information under RTI Act, 2005

- A) What is the current status of my complaint No. PRSEC/E/2013/04225 dated 18/3/2013 to President's Secretariat helpline and email dated 24/3/2013 to Mr. Satpal Chauhan, JS, MHA, New Delhi? Kindly Give me details of my complaint.
- B) What action has been taken by Mr Satpal Chauhan Joint secretary, Ministry of Home affairs, Government of India on the complaint No PRSEC/E/2013/04225 dated 18/3/2013? kindly provide me Certified copy of noting/remarks/action taken report.

2. The applicant has also lodged the complaint No. MINH/E/2013/00513 dated 18/3/2013 to Public Grievances, Ministry of Home affairs, Government of India, New Delhi and the same has been marked to Mr. K K Pathak, Joint Secretary, Ministry of Home Affairs, Government of India, Room No. 109-B, North Block, New Delhi for taking necessary action on my complaint and Shri K.K Pathak has taken action on dated 03/4/2013 on my above said complaint. Now the applicant is seeking the information under RTI act as follows:

Tanveer, COM
27/6/2013

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A) What is the current status of my complaint No. MINHA/E/2013/00533 dated 18/3/2013 to Public grievances, Ministry of Home Affairs, Government of India, New Delhi? Kindly Give me details of my complaint.

B.) What action has been taken by Mr K.K Pathak, Joint secretary, Ministry of Home affairs, Government of India, New Delhi on the above said my complaint? Kindly provide me, Certified copy of noting remarks/action taken report.

3 If no action has been taken on my abovementioned complaints? Kindly, give me the reasons and certified copy of noting /remarks/any report .H

Yours faithful

[Handwritten signature]

Vibhas Kumar Jha

C/o. Shri Sanjeev Yadav

House no. 272, Naharpur

Ruhini Sector-7

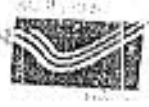
Delhi-110085

Mobile No. 9888764701

Email : jhavib@gmail.com

Annexure: Please find the fee of Rs. 10 by way of IPO No. 11F050743

MP NORTH CIRCLES (110005)
P.O. No. 7629952 IN
Counter No: 1, OP-End: 9A
Inst. P. 1 B.
SIX NEETI, PIN: 110001
From: VIBHAS KUMAR JHA, C/O
Xt: 18/04/2013, 16:58
PS: S. P. No: 12, 08., 11/04/2013, 16:58
taxes: Rs. 2.00 (Track on www.post.gov.in)



*Tax Collected
Vibhas
3/6/2013*