

**CENTRAL INFORMATION COMMISSION
BLOCK IV, OLD JNU CAMPUS, NEW DELHI 110067**

F.No.PBA/06/184
18th September, 2006

**Appeal No. 109/ICPB/2006
In the matter of Right to Information Act, 2005 – Section 19.**

Appellant: Shri Bhagwan Chand Saxena, New Delhi

Public authority: Export Inspection Council of India
Shri S.K. Tandon, Asst. Director & PIO
Shri Vijay Kumar, Addl. Director – Appellate Authority.

FACTS:

The appellant vide his letter dated 9.11.2005 addressed to the CPIO had sought copies of documents from (a) to (f) relating to the appointment/engagement of Shri M. Mohan, formerly Deputy Director in EIC, as consultant in EIC. By a communication dated 9.12.2005, the CPIO declined to furnish a certified copy of the document initiated and processed for engagement as a consultant on the ground the same was in a note sheet and as such as per DOPT guidelines, the same could not be furnished. In regard to the other information sought, the CPIO informed the appellant that the engagement was as per rules, and that no separate terms and conditions have been applicable and that he was engaged for a period of 6 months as full time consultant on payment of Rs 13,000 per month and on recheck, the same was fixed at Rs 11,156 and that the excess paid amount has been recovered. On receipt of the above communication, the appellant again requested the CPIO by a letter dated 4.1.2006, sought for copies of all documents connected with the reply furnished by the CPIO. The appellant also filed an appeal before the AA on 9.1.2006. The AA also confirmed the stand of the CPIO that notings are exempt and held that all other information has been furnished to the appellant, However, he directed the CPIO to furnish a copy of the office order appointing Shri Mohan as a consultant. In his present appeal, the appellant has again complained that full information has not been furnished. Comments were called for from the CPIO, who has intimated that except the office note relating to the appointment of Shri Mohan as a consultant, all other information sought for by the appellant, copies of which are enclosed with the comments were being sent to the appellant. In his rejoinder, again the appellant voiced his grievance on non furnishing of the office note and has also complained of the delay in furnishing full information.

DECISION:

I am inclined to agree with the grievance of the appellant that at the initial stage itself, the CPIO should have furnished the full information as sought for by the appellant instead of furnishing incomplete information and after receipt of the appeal furnishing the balance information. CPIO may take notice that information furnished should be in accordance with the information sought. In so far as disclosure of file notings are concerned, this Commission has repeatedly held that file notings are part of "information" and a citizen has the right to seek disclosure of the same unless it comes with the exemptions under Section 8. Since the CPIO has not taken shelter under Section 8 in declining to furnish the note sheet dealing with the engagement of Shri Mohan as a consultant, the CPIO will furnish a copy of the same to the appellant within 15 days of this Decision.

The appeal is disposed of in the above terms.

Let a copy of this decision be sent to the appellant and CPIO.

Sd/-
(Padma Balasubramanian)
Information Commissioner

Authenticated true copy :

(L. C. Singhi)
Addl. Registrar

Address of parties :

1. Mr. S. K. Tandon, Asst. Director & PIO, Export Inspection Council of India, M/o C&I 3rd Floor, NDYMCA, Cultural Centre Building 1 Jai Singh Road, New Delhi-110001
2. Mr. Vijay Kumar, Addl Director, Export Inspection Council of India, M/o C&I 3rd Floor, NDYMCA, Cultural Centre Building 1 Jai Singh Road, New Delhi-110001
3. Mr. Bhagwan Chand Saxena 23/89, East Azad Nagar, Delhi-110051