

# Central Information Commission

Decision No.285/IC(A)/2006  
F. No.CIC/MA/A/2006/00653

Dated, the 20th September, 2006

Name of the Appellant : Sh. Pradipta Dutta, B-141 Chittaranjan Park,  
New Delhi – 110 019

Name of the Public Authority: Directorate of Income Tax (Legal & Research)  
(DIT), 3<sup>rd</sup> floor, Drumshaped Building, I.P.  
Estate, New Delhi- 110 002.

## **DECISION**

### **Facts of the Case:**

1. The appellant had sought certain information in the form of queries, which have been duly responded by the CPIO and the appellate authority as well. He has however filed an appeal before the Commission against the reply of the appellate authority and prayed that the CPIO of DIT (L&R) be directed to furnish information with respect to his following queries:

- (i) *“Kindly inform why ITOs have been posted at DIT (L&R) even though there is no corresponding post in the same pay-scale at ITJ Section, CBDT. What functions are the ITOs expected to discharge at DIT (L&R)?*
- (ii) *Kindly inform why ITOs at DIT (L&R) are being forced, under threat of disciplinary action, to perform the functions of an Asstt. Commissioner without being paid officiating pay.”*

### **Commission’s Decision:**

2. In its oft-repeated decisions, the Commission has advised the information seekers that they ought not seek the views and comments of the CPIO on the questions asked by them. Yet, in the garb of seeking information mainly for redressal of their grievances, applications from requesters are filed. The CPIO’s in turn, have also ventured to answer them. Thus, the information seekers as well as providers have erred in interpreting the definition of information. A CPIO

of any public authority is not expected to create and generate a fresh, an information because it has been sought by an appellant. The appellant is, therefore, advised to specify the required information, which may be provided, if it exists, in the form in which it is sought by him.

3. The information sought relate to duties and responsibilities of ITOs deployed at different locations and the salary or compensation paid to them. Under Section 4(1) of the Act, all the public authorities are required to disclose such information as above. Had it been done by the respondent, the CPIO could have informed the applicant about the source where from he could have obtained the information. The need for filing application for information and this appeal could have thus been avoided. In pursuance of the principle of maximum disclosure, as u/s 4(1) of the Act, the CPIO is directed to disseminate the information so that in future, such applications are minimized.

4. The appeal is accordingly disposed of.

Sd/-  
(Prof. M.M. Ansari)  
Information Commissioner

Authenticated true copy:

(L.C. Singhi)  
Additional Registrar

Cc:

1. Sh. Pradipta Dutta, B-141 Chittaranjan Park, New Delhi – 110 019
2. Sh. N.C. Mohanty, Director of IT (L&R)& CPIO, Directorate of Income Tax (Legal & Research) (DIT), 3<sup>rd</sup> floor, Drumshaped Building, I.P. Estate, New Delhi- 110 002.