

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

F.No.PBA/06/155
September 25, 2006

**Appeal No. 114 /ICPB/2006
In the matter of Right to Information Act, 2005 – Section 19.**

Appellant: Shri. H.K. Bansal, Rohtak.

Public authority: Mahanagar Telephone Nigam Ltd.
Shri. Anupam Anand, General Manager & PIO
Shri K.C. Gupta, Executive Director & Appellate Authority

FACTS:

The appellant working in MTNL as CE was transferred from Delhi to Mumbai. In connection with the same by an application dated 29.11.2005 addressed to the CMD of MTNL, the appellant sought for various information. By a communication dated 4.2.2006, the PIO declined to furnish the information applying the provisions of Section 8(1)(j) of the Act. The appellant filed an appeal before AA on 25.2.2006 contending that the instant provision cannot be applied to deny the information. By a communication dated 5.5.2006, the appellant authority furnished the information on items A(ii),(iii),(iv) and C(v). Aggrieved with the decision of AA, the appellant has filed the present appeal. Comments were called for from PIO. In the comments, it is stated that the appellant was transferred along with post from Delhi to Mumbai considering the project requirement and therefore his transfer was purely an administrative exercise in the interest of service and organization. In the rejoinder, the appellant has questioned the decision of his transfer from Delhi to Mumbai on various grounds.

DECISION:

I have perused the information sought and the information provided. In paragraph (A) of his application, the appellant has sought information in 8 sub paragraphs of which except sub paragraphs (ii),(iii),(iv) for which the appellate authority has furnished the information, others are in the nature of interrogatory with the prefix why, what or how. Likewise, under paragraph (B), he has sought for information under 3 sub heads, which are also interrogatory. Likewise, the information sought in sub paragraphs (i) to (viii) of Paragraph (C) are also in the form of questions. In terms of RTI Act, a citizen is entitled to seek information that is available in a

material form and a CPIO cannot be expected to answer such queries, the answers to which could never be in a material form.

Since I find that information which are bound to be provided under the RTI Act has been furnished, the appeal does not survive.

3. 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. Shri. Anupam Anand, General Manager (HR) & PIO, MTNL Corporate Office, Jeevan Bharti, Tower-1, 12th Floor, 124 Connaught Circus, New Delhi-110001
2. Shri K.C. Gupta Executive Director (O) & Appellate Authority, MTNL Corporate Office, Jeevan Bharti, Tower-1, 12th Floor, 124 Connaught Circus, New Delhi-110001
3. Shri H.K. Bansal R/o Kanta Niwas, 1011/24 Jagdish Colony Rohtak 124001