

# CENTRAL INFORMATION COMMISSION

Room No. 308, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066

File No.CIC/LS/A/2009/901032

Appellant : Shri Sumit Jha  
Public Authority : Indian Army  
(through Brig Ved Prakash & Col C.V. Ajay)  
Date of Hearing : 4.2.2010  
Date of Decision : 4.2.2010

## FACTS :

The matter, in short, is that the appellant has sought to know whether Brig R.R. Singh has sought permission from the competent authority as per rules before taking up a job with National Rural Estate Development Council immediately after his retirement. The CPIO had refused to disclose this information vide letter dated 29.6.2009 in terms of section 8 (1) (e) of the RTI Act. The AA had upheld the decision of CPIO vide order dated 17.4.2009.

2. The present appeal is directed against the said orders.

3. Heard on 4.2.2010. Appellant present. The public authority is represented by the officers named above. It is the submission of Col Ajay that the records relating to the matters raised in the present RTI application are retained by the Army only for period of 03 years. Since it is a matter of 2002, these records have been destroyed as per prevailing rules and, therefore, it is not possible to provide any information.

## DECISION

4. The denial of information on the ground of the requested information being kept in fiduciary capacity is not sustainable in law. However, given the fact that the public authority is not retaining the relevant records, at present, appeal has become purely of an academic interest. Hence, the matter is closed.

Sd/-

(M.L. Sharma)

Central Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges, prescribed under the Act, to the CPIO of this Commission.

(K.L. Das)  
Assistant Registrar

Address of parties :-

1. Brig Ved Prakash  
IHQ of MoD (Army),  
D-1 Wing, Sena Bhawan,  
Gate No. 4, New Delhi-11
  
2. Shri Sumit Jha  
C-99A, 2<sup>nd</sup> Floor,  
Panchsheel Vihar,  
Malviya Nagar, New Delhi-110017