

CENTRAL INFORMATION COMMISSION
Appeal No. - CIC/WB/A/2009/000240 dated: 02.03.'09
Right to Information Act- Section 19

Appellant : Ms. Rashmi Srivastav
Respondent: Staff Selection Commission (SSC), New Delhi.

Decision

Decision announced 9.3.'10

The Commission has received an appeal from Ms. Rashmi Srivastav of Allahabad, Uttar Pradesh praying as follows:-

- (A) *The appellant is confident of being selected and that is why asked for certain information. But is being debarred of selection due to some irregularities.***
- (B) *Initially not giving information then giving incomplete information, further giving irrelevant information and finally denial of actual sought information by the PIO, THE RESPONDANT NO.-I, shows the attitude of making mockery of RTI ACT. THE RESPONDANT NO.-I should be ordered to furnish the required actual information as sought by the appellant, immediately.***
- (C) *THE RESPONDANT NO.-I should be fined as per rules for denial from the date of denial i.e. 22.04.2008.***
- (D) *THE APPELLATE AUTHORITY should also be taken up for not replying within the stipulated time as per the RTI ACT."***

That information regarding marks obtained by the appellant in all subject papers of main written examination of Combined Graduate Level Examination, 2005 together with photocopies of answer sheets for Mathematics paper main written examination of the same examination was originally sought through an application of 21.01.2008 made to the CPIO, Central Region, Staff Selection Commission, Allahabad. In his response of 28.01.2008, the CPIO, Shri V. N. Shukla, Assistant Director (RTI), forwarded the application to the CPIO, Shri V. K. Aggarwal, SSC, New Delhi for appropriate reply. On getting no further response, appellant sent a reminder on 18.03.2008 to the Chairman, SSC, New Delhi. Thereafter, a response from the CPIO, SSC, New Delhi dated 20.03.2008 was received by appellant. Appellant Ms. Rashmi Srivastav finding the response

incomplete and not consonant with the information sought filed another application before the Chairman of the Commission on 02.04.2008. To this a reply dated 22.04.2008 was received by the appellant from the CPIO, Shri V. K. Aggarwal in which information regarding subject-wise marks was denied under provision of Section 7(9) of the Act. Being aggrieved, appellant filed an appeal u/s 19(1) of the Act before the 1st appellate authority of SSC on 05.05.2008. She has moved 2nd appeal before us alleging that the appellate authority has not passed any order on her appeal.

Because the 1st appellate authority has not addressed the questions of the appellant, which are of direct concern to her public authority, the Commission has decided to remand this complaint to Ms Gayatri Sharma, First Appellate Authority, Staff Selection Commission, New Delhi with the direction that she dispose of the complaint of Ms. Rashmi within ten working days of the date of receipt of this Decision Notice, under intimation to Shri PKP Shreyaskar, Joint Registrar, Central Information Commission.

The appellate authority should, together with her disposal of the appeal also satisfy herself on the issue of delays, and if so required approach this Commission for initiation of proceedings in accordance with Sec 20 of the RTI Act 2005, for imposition of penalty and/ or recommending appropriate disciplinary action. If not satisfied with the information provided by the 1st appellate authority, appellant Ms. Rashmi Srivastav will be free to move a 2nd appeal before us as per Sec 19 (3).

Announced on this ninth day of March 2010. Notice of this decision be given free of cost to the parties.

(Wajahat Habibullah)
Chief Information Commissioner)
09.03.2010

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.

(PK Shreyaskar)
Jt. Registrar
09.03.2010