

CENTRAL INFORMATION COMMISSION
Complaint No.- CIC/WB/A/2009/000041 dated: 17.02.'09
Right to Information Act- Section 18(1)(b)

Complainant: Shri Mahendra Kumar Mohanty

Respondent: Department of Personnel & Training (DoP&T), New Delhi.

Decision announced 9.3.'10

Facts:-

The Commission has received a complaint from Shri Mahendra Kumar Mohanty of Mukherjee Nagar, Delhi that his request under RTI Act, 2005 submitted to the Central Public Information Officer, Department of Personnel & Training, New Delhi, seeking information regarding alleged discrepancy in cadre allocation of IAS (SC) candidates in Orrissa against the ratio decided through cadre allocation policy of Govt. of India, has not been responded to, even though the same was duly submitted along with the requisite fee dated 21.07.2008.

Having admitted the complaint of Shri Mohanty under Section 18(1)(b) of RTI Act, 2005 the commission served notice on 31.12.2009 on CPIO, Department of Personnel & Training, New Delhi for furnishing comments on the complaint. In response, the CPIO Shri R. K. Gupta, Under Secretary (S-II), DoP&T submitted his comments on 8th of January, 2010 with a copy of the same was also endorsed to complainant Shri Mohanty. The CPIO, in his comments, has informed the Commission that the reason for not responding to the request of the complainant was non-receipt of the application as per the available records. He has further informed that a reply has now been sent on 08.01.2010 to the complainant against the application received by him through the notice of the Commission. He has enclosed the copy of the reply sent to the complainant.

Decision Notice

As per the comments submitted by the CPIO, it seems that the request dated 21.07.2008 of Shri Mohanty was not received by the CPIO, DoP&T and this was the only reason for not responding to the request. In the absence of any

rebuttal from the complainant it may be presumed that he is satisfied with the plea taken by the CPIO. However, the complainant is advised to approach the 1st appellate authority of the department if he finds the response, which has now been provided, unsatisfactory and subsequently, if still not satisfied with the information provided on his 1st appeal, complainant Shri Mohanty will then be free to move a 2nd appeal before us as per section 19(3). The complaint is disposed of accordingly.

Announced 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 order shall be supplied against application and payment of the charge prescribed under the Act to the CPIO of this Commission.

Pankaj K. P. Shreyaskar
Joint Registrar.
09.03.2010