

CENTRAL INFORMATION COMMISSION
Appeal No. CIC/WB/A/2009/000139 dated 19.2.2009
Right to Information Act 2005 – Section 19

Appellant - Smt. P. Tirunagavalli
Respondent - Central Information Commission (CIC)
Decision announced: 10.3.2010

Facts:

By an application of 21.8.08 Ms. Tirunagavalli of Dilshad Garden, Delhi applied to CPIO, Central Information Commission seeking the following information:

“I had filed a ‘RTI Review Petition’ on 2.6.2008 for hearing before Full Bench against the single Bench Decision No. 2308/ IC (A)/2008 dated 30.4.2008 in view of non adherence to judicial procedure and erroneous interpretation of the law. A copy of the acknowledgement IC (MA)-23873/ 08 dated 2.6.2008 issued by the Central Information Commission is enclosed. Please provide me the following information.

1. The likely date by which the said review petition would be taken for hearing by full bench by Central Information Commission.
2. Since the issue in question involves right and liberty for subsistence and survival, whether constraint of 48 hours stipulated under section 7 (1) of the RTI Act shall have any relevance for disposal of this Review Petition by the Central Information Commission.’

This matter, after passing through the process of response and appeal, has come before us in 2nd appeal with the following prayer from Mrs. Tirunagavalli:

“(a) *The CPIO should be instructed to provide complete and correct information to the appellant as sought in her RTI application indicating whether review petition stands dismissed and if so provide a copy of the dismissal order passed by the Hon’ble Commission. If the review petition is alive, the CPIO should provide the date of hearing by the ‘Full Bench’ together with the information whether constraint of 48 hours stipulated under section*

- 7 (1) of the RTI Act shall have any relevance for disposal of this Review Petition by the Central Information Commission since the issue in question involved right and liberty for subsistence and survival.***
- (b) Heavy penalty should be imposed on the concerned officers for deliberately concealing and obstructing the information which defeats the very purpose set forth in the preamble to the RTI Act to promote transparency, accountability in the working of every public authority and to contain corruption.***
- (c) The erring officers should be directed to compensate the appellant for the causing sustained mental agony, harassment and botheration.***
- (d) Award costs to the appellant towards preparation of appeal, filing and processing charges.'***

The appeal was scheduled for hearing on 12.3.2010 at 11.30 a.m. However, on examination, we find that this is a duplicate of the appeal already disposed of in **File No. CIC/WB/A/2009/000084** between the same parties, upon which a Decision Notice has been announced on 26.2.2010, as follows:

“In the present case, the issue is as to what action has been taken on the application of appellant Smt. Tirunagavali to the Commission for review of this Decision. The CPIO's response clearly answers that request in which what put in clear terms was that the Commission has found no grounds for review, since for the reasons mentioned in the letter of 29.8.08, no further action was required on the application. Appellant's plea before us that letter of 22.4.08 from Ministry of Social Justice & Empowerment would indicate that is the Ministry, which had been identified as the concerned public authority also has no merit since it is not contested that in matters where the law on which that Ministry is administrative Ministry, is flouted, assistance may be sought from the Ministry of Social Justice and Empowerment. Nevertheless, as already clarified by the CPIO of that Ministry in response to the initial request of appellant Smt. Tirunagavali before that Ministry, the Ministry of Social Justice & Empowerment does not hold the information that has been sought which “falls within the administrative regulations of the office where her son is presently employed.” Seeking information through the RTI Act cannot be a means of challenging a decision of this Commission, which in this case was that the review application of Smt. Tirunagavali did not merit consideration. For these reasons, we find no substance in this appeal, which is hereby dismissed.”

DECISION NOTICE

In light of the above, the hearing scheduled for 12.3.2010 is hereby cancelled. The present appeal being a duplicate of that already decided in appeal cited above on 26.2.10, is infructuous and must abate.

Announced on this 10th day of March 2010 in open chambers. Notice of this decision be given free of cost to the parties.

(Wajahat Habibullah)
Chief Information Commissioner
10.3.2010

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.

(Pankaj K.P. Shreyaskar)
Joint Registrar
10.3.2010