

CENTRAL INFORMATION COMMISSION  
Appeal No. CIC/WB/A/2009/000146 dated 20-2-2009  
Right to Information Act 2005 – Section 19

**Appellant** - Shri J. B. Sharma

**Respondent** –Prime Minister's Office (PMO)

Decision announced: 10.3.2010

**Facts:**

By an application of 8.9.2008 Shri J. B. Sharma of Dwarka, New Delhi applied to the Prime Minister of India seeking the following information with regard to his representation of 27.1.2006 seeking an investigation followed by appropriate action against those who had allegedly misused their powers and to rescind allegedly 'illegal orders' as follows:-

“copy of action taken on the above representation dated 27.1.2006.”

To this Shri J. B. Sharma received a response dated 6.10.2008 informing him simply that “your letter dated 27.1.2006 was kept on file”. Aggrieved Shri Sharma moved an appeal before Ms. Vini Mahajan, Jt. Secretary, PMO with the following plea:-

“That the information provided by the CPIO is vague as no information as to what action on the letter dated 27.1.2006 of the appellant has been taken by the Hon'ble Prime Minister. It appears that either ACC or Hon'ble Prime Minister has been apprised of the facts given in para-3 above. Hence no action. This amounts to denial of the information sought for by the appellant in his RTI application dated 8.9.2008.”

Upon this appellate authority Ms. Vini Mahajan in her order of 11.11.2008 has held as follows:-

“It is observed that vide your application dated 8.9.2008, addressed to the Prime Minister, you had sought to know the action taken on earlier petition dated 27.1.2006, which was responded to by the CPIO, PMO vide his letter dated 6.10.2008 on the basis of the factual position.”

This has brought appellant Shri J. B. Sharma to his second appeal before us with the following prayer:-

***“That the response from CPIO as well as Appellate Authority as referred to above, amounts to denial of the requisite information/ document. Hence this second appeal for appropriate orders please.***

The appeal was heard through videoconference on 10.3.2010. The following are present.

**Appellant, at CIC Chamber, New Delhi.**

Shri J. B. Sharma

**Respondents at PMO**

Shri Amit Agarwal, Director, PMO

Shri Salil Kumar, CPIO, PMO

In response to our appeal notice we have received a letter from CPIO Shri K. Salil Kumar, Under Secretary, PMO dated 9.3.2010 submitting as follows:-

- a) Appellant's petition dated 27.1.2006, pertains to complaint on the extension in service to Dr. N. K. Ganguly on the post of DG, ICMR.
- b) Information provided by the concerned officer is that the representation was filed.
- c) Action taken on his representation was informed in reply to his request for information. Therefore, there has been no denial of information."

Appellant Shri Sharma submitted that he had brought his written submissions in which he has attached a statement which in his view showed/ proved "*malafide exercise of powers by DOPT*". He has appended earlier decisions of this Commission but has particularly invited our attention to the order of this Commission of 3.2.2009 in appeal **No. CIC/AD/A/X/2009/078 JB Sharma vs. Ministry of Health & Family Welfare** in which this Commission has held as follows:-

In the light of the foregoing submissions and averments and also considering the documentary evidence, the irregularity as indicated by the appellant is apparent. Hence it is hereby directed that the CPIO shall provide a copy of the decision taken on the complaint dated 14.06.07 filed by the appellant within 15 days of receipt of this order.

It is further directed that a factual report also to be sent to the DOPT. A compliance report to be sent to the Commission by 28.02.2009.

Shri J. B. Sharma has then submitted that the Commission has, through its order above, ordered an enquiry into the matter that even PMO has in his view failed in doing.

**DECISION NOTICE**

In the present case the request of appellant Shri J. B. Sharma to the Prime Minister is specific i.e. the action taken on his representation of 27.1.2006. The

response of CPIO is equally specific in informing appellant Shri Sharma that the case has been filed and therefore, no action other than this has been taken. Appellant's plea that the Commission has ordered an enquiry in the matter is without basis, since the order to which appellant Shri Sharma invited our attention in the hearing is simply an order that he be provided a copy of an order issued by the Ministry of Health and Family Welfare. Under the circumstances we cannot find any substance in the present appeal which is hereby dismissed.

However, on appellant Shri Sharma's request his written submission are forwarded to respondent Shri Amit Agarwal, Director, PMO to be treated as a petition and disposed of as considered suitable.

Announced in the hearing. 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