

सूचना का अधिकार अधिनियम, 2005
नियत तिथि/Due date - _____
TIME BOUND/RTI MATTER

खान मंत्रालय
शास्त्री भवन : नई दिल्ली

विषय: सूचना का अधिकार अधिनियम, 2005 के अंतर्गत प्राप्त आवेदन ।

श्री/श्रीमती/सु. Deepak Pandey (Second Appeal) से प्राप्त मूल आवेदन दिनांक 27.8.14 को इस पत्र के साथ उचित कार्यवाई हेतु प्रस्तुत किया जा रहा है ।

2. सूचना का अधिकार अधिनियम, 2005 की धारा 6(3) के अनुसार यदि मांगी गई सूचना का विषय अन्य सरकारी कार्यालय से जुड़ा/सम्बद्ध है तो वह अधिकारी, जिसको आवेदन भेजा गया है, ऐसे आवेदन को संबंधित सरकारी अधिकारी/कार्यालय को, आवेदन की प्राप्ति की तारीख से यथाशीघ्र लेकिन 5 दिनों के भीतर स्थानांतरित कर सकेगा तथा इस बारे में आवेदक को भी सूचित करेगा।

3. आपसे अनुरोध है कि उक्त आवेदन को आर.टी.आई. ऑनलाइन पोर्टल में तुरंत प्रविष्ट करके आवेदक को पावती भेजी जाए एवं सूचना का अधिकार अधिनियम, 2005 के नियमों का पालन करते हुए उसपर निर्धारित समय में कार्यवाई की जाए ।


(कमलेश गाबा/Kamlesh Gauba)
ए.सी.पी.आई.ओ./ACPIO

संलग्न: FTS No. 43057

Smt. Abhis Mishra (U.S.)
श्री. S.K. Mishra (U.S.) (First App.) /केन्द्रीय लोक सूचना अधिकारी, खान मंत्रालय
पी.आई. सेल/PI Cell U.O. No. 2/45/2015 /~~2014~~-PI दिनांक/Dated 11.3.2015

न/ल.

43057
04 MAR 2015

SECOND APPEAL U/S 19 of RIGHT TO INFORMATION ACT, 2005

RTI Second Appeal

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05/03/2015
Abha Singh

2/4/15

The Appellate Authority (under RTI Act)

Dept./Office :- The Central Information Commission,
B-Wing, 2nd Floor, August Kranti Bhawan,
Bhikajicama Place, New Delhi.

Sir,

As I am aggrieved by information not given by CPIO and by decision of First Appellate Authority, Ministry of mines, I hereby file this second appeal for your kind decision.

1. Details of appellant

- 1.1 Full Name:- Deepak pandey S/o Late shri G. P. Pandey.
1.2. Full Address:- 166, Ravindranagar Adhartal Jabalpur (M.P.)
1.3 Phone/Cell No. :- 09329482275
1.4 Email ID:- nil

2. Details of Central Public Information Officer (CPIO):

- 2.1 Name/Designation:- Mr. K. B. Singh, Section Officer, RCII
2.2 Full Address:- Section RCII, Ministry of Mines,
Shastri Bhawan, New Delhi.
2.3 Name of First Appellate Authority:- The First Appellate Authority
Smt. Abha Mishra, Under Secretary
Room no. 522-A, Ministry of mine
Shastri Bhawan New Delhi.

3. Details of RTI application to CPIO :-

- Date of Application:- 27/08/2014
Sent By speed post :- P I O Section RC-II, Ministry of mines, New Delhi.
RTI application and counter slip of speed post is annexed with appeal as annexure-A-1

4. Particulars of payment of filing fee:

- Paid Rs 10/- by deposited Indian Postal Order No. :- 22F 862106
Counter slip of postal order is annexed with appeal as annexure -A-2

27/9/15

CPIO's Decision: 21/10/2014.

Date of decision received to the applicant :- 29/10/2014

Decision of CPIO : In short :- Your RTI Application on the above subject and to say that 'The disclosure of this information is exempted under section 8(d) of the RTI Act, 2005.'

(Denied letter given by CPIO is annexed with appeal as annexure-A-3)

7. Particulars of First Appeal :-

Date of Filing first appeal :- 31/10/2014

Date of Decision of first appeal:- 9/12/2014

Date of decision received to the appellant:- 15/12/2014

Decision of Appellate Authority In short :- CPIO is hereby directed to furnish the information in respect of point (i) to (v) as asked by the applicant within 20 days of the issue of this order. With the above fact, the appeal stands disposed off.

(Decision given by Appellate Authority is annexed with appeal as annexure-A-4)

8. Particulars of compliance of order of First Appeal:-

Date of providing information by CPIO :- 30/12/2014

(Information given by CPIO is annexed with appeal as annexure-A-5)

9. Date of second Appeal :- 26/02/2015

10. Brief facts of the case:-

(1) I sought information under RTI Act 2005 regarding certified copy of final order no.270/2010 dated 27/8/2010 passed in Revision application no.(i) 16/(05)/2009/RC-II, (ii)16/(03)/2009/RC-II, (iii)16/(01)/2009/RC-II, (iv)16/(02)/2009/RC-II, and (v)16/(10)/2009/RC-II.

(2) By letter no. 01(02)/2013-RCII dated 21/10/2014 the CPIO has denied for information stating that 'the disclosure of this information is exempted under section 8(d) of RTI act 2005'.

(3) Aggrieved by CPIO has denied for information, the applicant has filed first appeal before first appellate authority

That, CPIO has, without any reasonable cause, mala fide denied the request for information and obstructed in furnishing the information,

Whereas as per the section 8(d) of RTI act 2005 "8.Exemption from disclosure of information (d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, and sought information was 'the certified copy of final order no.270/2010 dated 27/8/2010 passed

* 6. Particulars of Decision to CPIO:

2/9/15

in Revision application no. 16/(05)/2009/RC-II, 16/(03)/2009/RC-II, 16/(01)/2009/RC-II, 16/(02)/2009/RC-II and 16/(10)/2009/RC-II' is nowhere information including commercial confidence, or trade secrets or intellectual property, or the disclosure of which would harm the competitive position of a third party.

The sought information that, certified copy of final order passed in a revision application can not be covered under criteria of Sec. 8(d) whereas it is a matter of greater public interest and transparency.

The appellant has sought relief and prayer before first appellate authority that,

(i). Provide the information to the applicant free of charge as per sub sec 6 of section 7.

(ii). To compensate the complainant for loss and other detriment suffered as per clause (b) of sub Sec 8 of sec. 19.

(iii). Penal action under sec. 20 (1)&(2) be initiated against the CPIO.

(4). The first appellate authority, has passed order dated 9 Dec. 2014 that, 'CPIO is hereby directed to furnish the information in respect of point (i) to (v) as asked by the applicant within 20 days of the issue of this order. With the above fact, the appeal stands disposed off.'

11. Reasons/grounds for this appeal :-

(i). The first appellate authority, has passed order that, 'CPIO is hereby directed to furnish the information in respect of point (i) to (v) as asked by the applicant within 20 days of the issue of this order. With the above fact, the appeal stands disposed off.'

(ii). In view of decision of first appellate authority, she found that, the information sought by appellant in respect of point (i) to (v) does not exempted under section 8 (d) of RTI Act 2005.

(iii). That, in view of decision of first appellate authority, she found that, CPIO has without any reasonable cause, malafidely denied the request for information and obstructed in furnishing the information.

(iv). The first appellate authority, has not compensate the complainant for loss and other detriment suffered as per clause (b) of sub sec. 8 of sec. 19.

(v). The first appellate authority, has not taken Penal action under sec. 20 (1)&(2) against the CPIO.

12. Prayer/relief sought for :-

(i). To compensate the complainant for loss and other detriment suffered as per (b) of sub sec. (8) of sec. 19 of RTI Act 2005.

(ii). Under evidence That, CPIO has, without any reasonable cause, malafidely denied the request for information and obstructed in furnishing the information. Impose a penalty of two hundred and fifty rupees each day till information is furnished, dated 30/12/2014 (from dated 19/09/2014 to dated 30/12/2014 total days 72 x 250.00 = Rs. 18000.00) under sub sec. (1) of sec. 20 of RTI Act 2005.

(iii). Recommend for disciplinary action against the CPIO, under the service rules applicable to him, under sub sec. (2) of sec. 20 of RTI Act 2005.

13. Personal Presence at hearing :-

NO

29/10/15

14. Enclosures:-

1. Photocopies of original RTI application with counter slip of speed post as annexure -A-1
2. Counter slip of postal order is annexed with appeal as annexure -A-2
3. Denied letter given by CPIO is annexed with appeal as annexure-A-3
4. Decision given by Appellate Authority is annexed with appeal as annexure-A-4
5. Information given by CPIO is annexed with appeal as annexure-A-5

13. Declaration

I hereby state that the information and particulars given above are true to the best of my knowledge and belief. I also declare that this matter neither is previously filed with any information commission nor is pending with any Court or tribunal or authority.

Place: DELHI

Date: 26/02/2015



Signature of appellant

Deepak Pandey
166, Ravindra Nagar
Delhatal Jabalpur M.C.

The Public Information Officer

Ministry of Health & Family Welfare

Subject: Application of seeking information under Right to Information Act 2005

Re: Information sought under Section

1. Name of the person

2. Address of the person

3. Date of birth

4. Present address

5. Details of the person's family members (Name, Address, Occupation, etc.)

6. Details of the person's education

7. Details of the person's employment

8.

9. Details of the person's health and medical history (if any) and the treatment received.

10. Details of the person's financial status and assets (if any).

11. Details of the person's social and family background (if any).

12. Details of the person's political and social activities (if any).

13. Details of the person's other relevant information (if any).

14.

Final Order Passed in Revision No. 16/(10)/2009/RC-II Final order date
 16/10/2009

Open/Revision Application No. 16/(23)/2013/RC-II

Postal Order No. 8 dated 11/11/2013

Applicant

Deepak Pandey

Deepak Pandey

166, Ravindra Nagar,
 Adhartal, Jabalpur (M.P.)



स्टील आर्डर

₹ 10.00 Rs.

POSTAL ORDER



SPEED POST
RTI MATTER

Government of India
Ministry of Mines

No. 01e,27/014-RCM

101-D, Sashtri Bhavan
New Delhi, the 21.10.2014

To

Mr. Tejendra Pandey
166, Kaviendra Nagar
Aadilabad, Jabalpur (M.P.)

Sub: RTI Act, 2005-reg.

Sir,

Please refer to your RTI Application on the above subject and to say that the disclosure of this information is exempted under section 8(d) of the RTI Act, 2005.

If you are not satisfied with above reply you may prefer the first appeal under section 19 of the RTI Act, 2005 before the Appellate Authority Smt. Abha Mishra, Under Secretary, Room No 522-A, Ministry of Mines, CGO Complex, New Delhi within 30 days of receipt of this communication.

Yours faithfully,

K.B. Singh

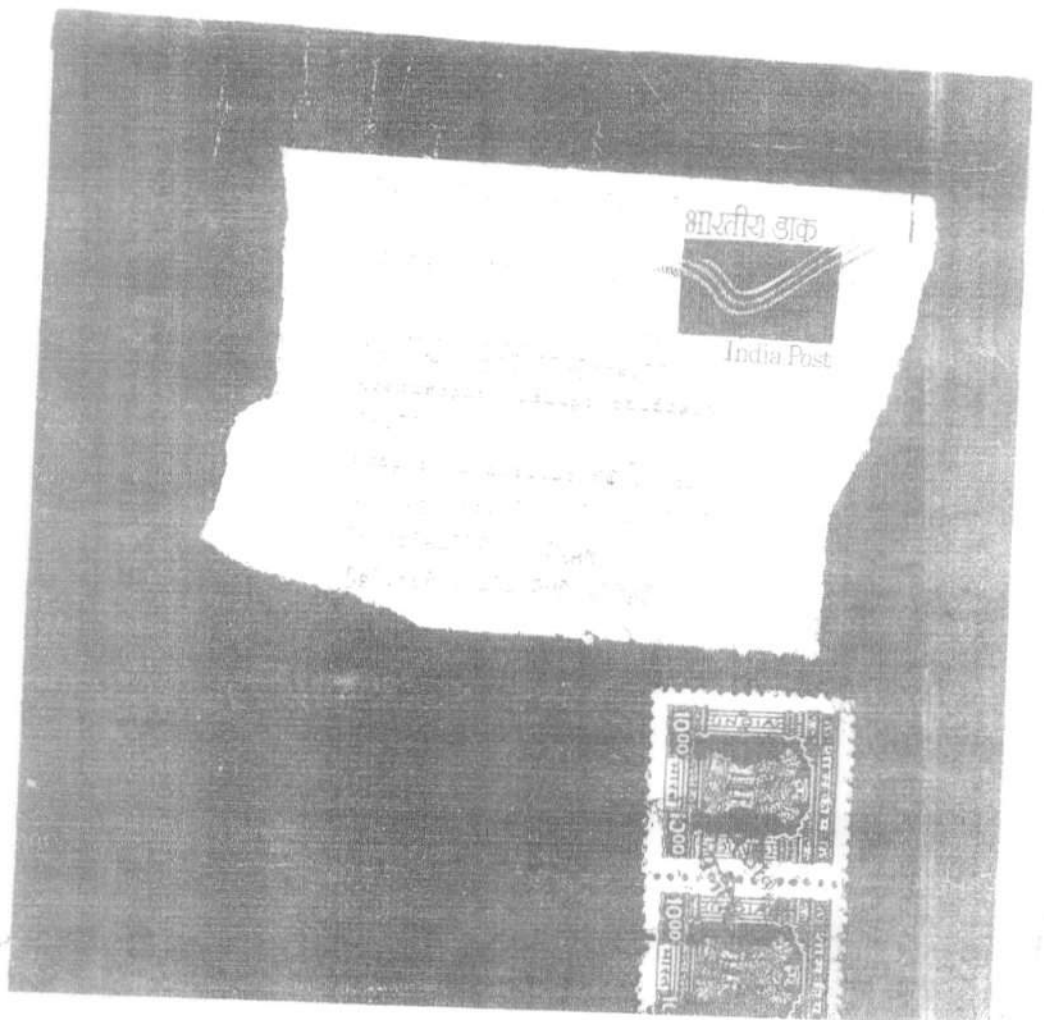
(K.B. Singh)

Section Officer/ CPIO

Phone-23384070

Copy to P.C. No. 2/246/2014-PI dated 26.09.2014.

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1(19)/2013/RC II
Government of India
Ministry of Mines

Room No.522, Block-11, CGO Complex,
Lodhi Road, New Delhi,
dated 9th December, 2014

Order on Appeal under section 19 of RTI Act, 2005.

First Appeal Case No.	1(19)/2013/RC.II
Appellant	Deepak Pandey
CPIO	K.B.Singh
Ground of Appeal	Information not given by CPIO
Date of receipt of Appeal	12.11.2014
Date of order	21.10.2014

Sh. Deepak Pandey c/o 166, Ravindranagar Adhartal Jabalpur(M.P), hereinafter referred to as the Appellant, has filed the above mentioned appeal, aggrieved by the reply furnished by the CPIO vide letter dated 21.10.2014.

Going through the records, it is observed that the Appellant had sought the following information:

- (i) Certified copy of final order passed in Revision no. 16/(05)/2009-RC-II dated 27.8.2010 final order no. 270/2010.
- (ii) Certified copy of final order passed in Revision no 16/(3)/2009-RC-II dated 27.8.2010 final order no 270/2010
- (iii) Certified copy of final order passed in Revision no.16/(1)/2009-RC-II dated 27.8.2010 final order no 270/2010
- (iv) Certified copy of final order passed in Revision no.16/ (2)/2009-RC-II dated 27.8.2010 final order no 270/2010
- (v) Certified copy of final order passed in Revision no.16/(10)/2009-RC-II dated 27.8.2010 final order no 270/2010.
- (vi) Certified copy of Revision Application No.16/(23)/2013-RC-II

The information furnished by the CPIO, Sh.K.B.Singh vide his letter No.1(2)/2013-RC-II dated 21.10.2014 was as under:

Disclosure of this information is exempted under section 8(d) of the RTI Act, 2005.

In the instant appeal, the appellant has stated that exemption from disclosure of information under section 8(d) of the RTI Act is information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party.

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The Appellant has further stated that he had asked for certified copy of final order No. 70/2010 dated 27.8.2010 in Revision Application no. 16/(05)/2009-RC-II, 16/(3)/2009-RC-II, 16/(1)/2009-RC-II, 16/(2)/2009-RC-II and 16/(10)/2009-RC-II. The certified copies of these orders is nowhere information including commercial confidence, or trade secrets or intellectual property, or the disclosure of which would harm the competitive position of a third party.

In the present Appeal the Appellant has now sought information indicated at point (vi) of his application to the CPIO.

In view of the above CPIO is hereby directed to furnish the information in respect of point (vi) as asked by the applicant, within 20 days of the issue of this order. Information in respect of point (vi) is exempted under section 8(d) of RTI Act 2005.

With the above facts, the Appeal stands disposed off. If the Appellant is not satisfied with the order of the Appellate Authority, he may file Second Appeal with the Central Information Commission, B-Wing, 2nd floor, August Kranti Bhawan, Bhikaji Cama Place New Delhi within 90 days of this order.

(Abha Mishra)
Appellate Authority and Under Secretary
Phone: 24369480
Email-abha.mishra@nic.in

To
CPIO, Block B Building, Section Officer,
Revision Cell, August Kranti Bhawan.

Copy to
1. Shri Deepak Pandey, 166, Ravindra Nagar, Adhartal, Jabalpur, Madhya Pradesh
2. File Cell, Ministry of Mines, Block 11, CGO Complex, Lodhi Road, New Delhi

Room No. 522, 5th Floor, Block 11
CGO Complex, Lodhi Road
New Delhi 110003, 21.10.2014

Order on Appeal under Section 19 of RTI Act-2005.

Case No. 16/19/2013/RC-II

01/(19)/2013/RC-II

Deepak Pandey

K.B. Singh

Information supplied by CPIO is incomplete

12.11.2014

12.11.2014

Date of Order

21.10.2014

Sh. Deepak Pandey, C/o. 166, Ravindranagar Adhartal, Jabalpur, Madhya Pradesh (hereinafter referred to as the Appellant) has filed the above mentioned appeal aggrieved by the reply furnished by the CPIO vide letter 21.10.2014.

Certified copy of Final Order No 270/2010 dated 27.08.2010 in Revision Application No 16/(05)/2009/RC-II, 16/(03)/2009/RC-II, 16/(01)/2009/RC-II, 16/(02)/2009/RC-II and 16/(10)/2009/RC-II is enclosed herewith.

With the above facts, the Appeal stands disposed of. If the appellant is not satisfied with the order of Appellant Authority, he may file Second Appeal with Central Information Commission, B Wing, 2nd Floor, August Kranti Bhawan, Bhikajikama Place, New Delhi within 90 days of this order.

(K.B. Singh)
Section Officer
Phone No. 23384070
k.singh@nic.in

To,

Minu Mishra

Corporate Authority and Under Secretary

Copy to:

Sh. Deepak Pandey

C/o 166, Ravindranagar Adhartal, Jabalpur,

Madhya Pradesh

Cell: Ministry of Mines, CGO Complex, Block 11
Room: 25A, Lodhi Road, New Delhi-110003