No. 01/05/2015/RC-II
Government of India/Bharat Sarkar
Ministry of Mines
(Revision Cell)

Shashtri Bhawan, New Delhi
Dated:- April 8, 2015

To

Shri Shailendra Shukla,
166, Ravindra Nagar, Adhartal
Jabalpur, Madhya Pradesh

Sub:- First Appeal of Shri Shailendra Shukla, Madhya Pradesh under section 19(1) of the RTI Act, 2005.

Sir,

I am directed to refer to your First Appeal dated 08.03.2015 received in this Ministry on 12.03.2015 and to say that the reply dated 17.02.2015 furnished by the CPIO in response to your RTI application dated 12.01.2015 is as per the provisions contained in the RTI Act, 2005 and the CPIO has made his best efforts to furnish the available information to you.

2. However, as per your Appeal a certified copy of this Ministry's Office Order No. 01/24/2009/RC-II (Pt.) dated 10.11.2014 and a certified copy of the proceedings dated 08.01.2015 (as the same is now available in Revision Section) are enclosed for your perusal.

3. Your RTI Appeal accordingly stands disposed of.

4. If you are not satisfied with the reply, you can file second appeal in the Central Information Commission, 'B' Wing, 2nd Floor, August Kranti Bhavan, Bhikaji Cama Place, New Delhi within 90 days from the date of issuance of this letter.

Yours faithfully,

(S. K. Mishra)
Deputy Secretary and First Appellate Authority
Tel. No. 2338 4740
Email:- saratk.mishra@nic.in

Copy for information to:-

✓ Shri Kamlesh Gauba, ACPIO, PI Cell, M/o Mines, CGO Complex, New Delhi w.r.t. U.O. No. 2/51/2015-PI dated 16.03.2015.

(S. K. Mishra)
Deputy Secretary
विषय: सूचना का अधिकार अधिनियम, 2005 के अंतर्गत प्राप्त आवेदन।

श्री/श्रीमती/सुगन्धि Shalendra Subhශ ने प्राप्त किया जा रहा है।

आवेदन दिनांक 12/1/2015 के साथ उचित कार्यवाही हेतु प्रस्तुत किया जा रहा है।

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

3. अगस्त अनुसार है कि उक्त आवेदन को आर.टी.आई. ऑनलाइन पोर्टल में तुरंत प्रविष्ट करके आवेदक को पावुंटी भेजी जाए एवं सूचना का अधिकार अधिनियम, 2005 के नियमों का पालन करने हेतु उसपर निर्धारित समय में कार्यवाही की जाए।

कमलेश गांशा/Kamlesh Gauba
ए.सी.पी.आई.ओ./ACPIO

सलाम: FTS No. 4256.6

श्री Shalendra Subhē, (DS) (R-16)/केंद्रीय लोक सूचना अधिकारी, खान मंत्रालय
RTI First Appeal

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The Right to Information Act, 2005, First Appeal to Central Government

I.D. No. Date: [For office use]

To,
The First Appellate Authority under RTI Act
Dept/Office: Central Government
Ministry Of Mines
Shastri Bhawan, New Delhi.

Sir,

As I am aggrieved by misleading decision of Central Public Information Officer, I hereby file this appeal for your kind decision.

1. Details of appellant

1.1 Full Name: Shailendra Shukla S/o Late shri Shivakant shukla

1.2. Full Address: 156, Ravindra nagar Adhartal Jabalpur(M.P.)

1.3 Phone/Cell No.: 09893053352

1.4 Email ID: shailendr38@gmail.com

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

2.1 Name/Designation: Mr. Sandeep kumar, Section Officer, RCI

2.2 Full Address: Section RCI, Ministry of Mines,
Shastri Bhawan, New Delhi.
Tel. No. 23384070

2.3 Name of Public Authority: The Appellate Authority
Shri S. K. Mishra, Deputy Secretary
Room no.311-D, Ministry of Mines, Shastri Bhawan New Delhi.

3. Details of RTI application to CPIO:

Date of Application: 12/01/2015

Sent By Registered post - dispatch on 13/01/2015
Registered post receipt no. RI285016703IN to P I O, Section RC-II, Ministry of mines, New Delhi.

RTI application and counter slip of speed post is annexed as Annexure-A/1

4. Particulars of payment of filing fee:

Paid Rs. 10/- by Indian Postal Order No. 22F 992981
Counter slip of postal order is annexed with appeal as Annexure -A/2

5. Details of information sought:
   Copy of RTI Application is Enclosed.

6. Particulars of Decision of CPIO:
   letter reference No.: (01)/(05)/2015/RC-II, dated 17/02/2015
   Date of CPIO's Decision: 17/02/2015
   Date of dispatch: 20/02/2015
   Date of received of decision by the appellant: 25/02/2015

(Decision given by CPIO is annexed with appeal as Annexure-A/3)

7. Last date of 1st Appeal: 25/03/2015

8. Brief facts of the case:

   1. I sought information regarding under RTI Act 2005 related to the
      information regarding to the file no.16/(03)/2013 /RC-II & 16/(32)/
      2013/RC-II of RCII section of ministry of mines. The information in this
      regard as under:

         II) Certified copy of the adjournment letter of hearing dated 17/11/2014 of
             the abovementioned files of Revision application of RCII Section.

         II) Certified copy of the order sheet of hearing dated 8/01/2015 of the
             abovementioned files of Revision application of RCII Section.

   2. By letter no.(01)/(05)/2015-RCII dated 17/02/2015 the CPIO has given
      misleading decision "that the hearing on 17.11.2014 was cancelled due to
      reallocation of states to Revisionary authorities in the Ministry of Mines vide
      this office order dated 10.11.2014", but the 'office order dated 10.11.2014' was
      not supplied, which was the subject of request. Another order passed by CPIO
      is "that the Order sheet is yet to be received in the section, the certified copy of
      the same will be made available after receipt the same in the Revision cell."

9. Reasons/grounds for this appeal:

   (i) The CPIO has malafidely denied the request for information and
       destroyed information which was the subject of the request and obstructed in
       furnishing the information, whereas there is duty of CPIO under subsection (3)
       of section 6 of RTI Act 2005 that,

       Where an application is made to a
       public authority requesting for an information,—

       (i) which is held by another public authority; or

       (ii) the subject matter of which is more closely connected with the functions of
       another public authority,

       the public authority, to which such application is made, shall transfer the
       application or such part of it as may be appropriate to that other public authority
       and inform the applicant immediately about such transfer:
Provided that the transfer of an application pursuant to this sub-section shall be made as soon as practicable but in no case later than five days from the date of receipt of the application.

In such a situation the impugned decision passed by CPIO is patently illegal, arbitrary, discriminatory and in violation of subsection (3) of sec. 6 of RTI Act 2005.

(ii) The decision of CPIO is also violation of the clause (d) of sub section (1) of section 4 of the RTI Act 2005 that, 'provide reasons for its administrative or quasi-judicial decision to affected person'.

(iii) The decision of CPIO is also violation of subsection (4) & (5) of section 5 of RTI Act 2005 that 'The Central Public Information Officer or State Public Information Officer, as the case may be, may seek the assistance of any other officer as he or she considers it necessary for the proper discharge of his or her duties'.

And (5) Any officer, whose assistance has been sought under sub-section (4), shall render all assistance to the Central Public Information Officer or State Public Information Officer, as the case may be, seeking his or her assistance and for the purposes of any contravention of the provisions of this Act, such other officer shall be treated as a Central Public Information Officer or State Public Information Officer, as the case may be.

(iv) In view of provisions above mansion, the decision of CPIO patently illegal, arbitrary, discriminatory and in violation of RTI Act 2005 and liable punished under the RTI Act 2005.

10. Prayer/relief sought for: - Information as applied

11. Grounds for Prayer/relief sought for:

(1) To compensate the complainant for loss and other detriment suffered.

(2) To, disposed of appeal in favor of appellant as per grounds above mentioned within 30 days of received of appeal as per sub-section (6) of section 19.

(3) Impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished under subsection (1) of section 20 of RTI Act 2005.

12. Personal Presence at hearing: NO

13. 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. Decision given by CPIO is annexed with appeal as annexure A/3
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 is not previously filed with any information commission nor is pending with any Court or tribunal or authority.

Place: JABALPUR
Date: 08/03/2015

Signature of appellant
To,

The Public Information Officer

Ministry Of Mines

New Delhi.


Concerned Section- RCII Section

Particulars of the Applicant

1. Name : Shailendra Shukla
2. Gender : Male
3. Father's Name : Late Shri Shivakant Shukla
4. Address for Correspondence: 166, Ravindra Nagar, Adhartal, Jabalpur M.P.
5. Telephone/Mobile No : 09893053352
6. Email ID : shailendr38@gmail.com

7. I, the Applicant, wish to seek the information related to the file no (16/02)/2007-RCII new no. 16/03)/2013 & 16/(32)/2013-RCII of RCII section of Ministry of Mines. The information in this regard is as under:

(I) Certified copy of the adjournment letter of hearing dated 17/11/2014 of the above-mentioned files of Revision application of RCII Section.

(II) Certified copy of the order sheet of hearing dated 8/01/2015 of the above-mentioned files of Revision application of RCII Section.

(III) The information sought printed form.

(IV) The application fee Rs. 10/- has been paid by Indian postal order no. 22F89298 which is enclosed with application.

(V) You are humbly requested to provide information within a three days time as the same is required urgently by the applicant.

Place: New Delhi

Shailendra Shukla
Sub: Application of Shri Shailendra Shukla, Madhya Pradesh under RTI Act 2005.

Sir,

I am directed to refer to your RTI application date 12.01.2015, received on 21.01.2015 and to say that Revision Application No. 16/02/2007/RC-II has been renumbered as 16/(03)/2013/RC-II after reopening the file due to a direction. It is also submitted that the Hearing on 17.11.2014 was cancelled due to reallocation of States to Revisionary Authorities in the Ministry of Mines. You may provide this Office Order dated 10.11.2014.

2. As regard, order sheet dated 08.1.2015, it is submitted that the Order Sheet is yet to be received in the Section, the certified copy of the same will be made available after receipt the same in the Revision Cell.

3. If you are not satisfied with the reply, you may file an appeal against the same within 30 days of receipt of the reply to the following:-


Yours faithfully,

(Sandeep Kumar)
Section Officer (RC) & CP
Tel. No. 2338 40

Copy for information to:-


(Sandeep Kumar)
Section Officer (R...
# RTI First Appeal

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The Right to Information Act, 2005, First Appeal to Central Government

I.D. No_______ Date: _______ [For office use]

To,

The First Appellate Authority under RTI Act

Dept/Office - Central Government
Ministry Of Mines
Shastri Bhawan, New Delhi.

Sir,

As I am aggrieved by misleading decision of Central Public Information Officer, I hereby file this appeal for your kind decision.

1. Details of appellant

1.1 Full Name :- Shailendra Shukla S/o Late shri Shivakant shukla
1.2. Full Address :- 166, Ravindra nagar AdhartaL Jabalpur(M.P.)
1.3 Phone/Cell No. :- 09893053352
1.4 Email ID :- shailendr38@gmail.com

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

2.1 Name/Designation :- Mr. Sandeep kumar, Section Officer, RCII
2.2 Full Address :- Section RCII, Ministry of Mines,
Shastri Bhawan,New Delhi.
Tel. No. 23384070

2.3 Name of Public Authority :- The Appellate Authority
Shri S. K. Mishra, Deputy Secretary
Room no.311-D, Ministry of mine
Shastri Bhawan New Delhi.

3. Details of RTI application to CPIO:

Date of Application: - 12/01/2015

Sent By Registered post - dispatch on 13/01/2015
Registered post receipt no. R1860167031N,
to P I O, Section RC-II, Ministry of mines, New Delhi.

RTI application and counter slip of speed-post is annexed as Annexure-A/1

4. Particulars of payment of filing fee:

Paid Rs.1/- by Indian Postal Order No. - 22F 992981
Counter slip of postal order is annexed with appeal as Annexure - A/2

5. Details of information sought:

Copy of RTI Application is Enclosed.

6. Particulars of Decision of CPIO:

- Letter reference No: (01)/(05)/2015/RC-II, dated 17/02/2015
- Date of CPIO’s Decision: 17/02/2015
- Date of dispatch: 20/02/2015
- Date of received of decision by the appellant: 25/02/2015

(Decision given by CPIO is annexed with appeal as Annexure-A/3)

7. Last date of 1st Appeal:- 25/03/2015

8. Brief facts of the case:

1. I sought information regarding under RTI Act 2005 related to the information regarding to the file no.16/(03)/2013 /RC-II & 16/(32)/2013. RC-II of RCII section of ministry of mines. The information in this regard as under:-

   (i) Certified copy of the adjournment letter of hearing dated 17/11/2014 of the abovementioned files of Revision application of RCII Section.

   (ii) Certified copy of the order sheet of hearing dated 8/01/2015 of the abovementioned files of Revision application of RCII Section.

2. By letter no.(01)/(05)/2015-RCII dated 17/02/2015 the CPIO has given misleading decision “that the hearing on 17.11.2014 was cancelled due to reallocation of states to Revisionary authorities in the Ministry of Mines vide this office order dated 10.11.2014.” but the office order dated 10.11.2014 was not supplied, which was the subject of request. Another order passed by CPIO is “that the Order sheet is yet to be received in the section, the certified copy of the same will be made available after receipt the same in the Revision cell.”

9. Reasons/grounds for this appeal:

(i) The CPIO has malafidely denied the request for information and destroyed information which was the subject of the request and obstructed in furnishing the information, whereas there is duty of CPIO under subsection (3) of section 6 of RTI Act 2005 that,

   Where an application is made to a public authority requesting for an information,

   (i) which is held by another public authority; or

(ii) the subject matter of which is more closely connected with the functions of another public authority.

   the public authority to which such application is made shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer.
Provided that the transfer of an application pursuant to this sub-section shall be made as soon as practicable but in no case later than five days from the date of receipt of the application."

In such a situation the impugned decision passed by CPIO is patently illegal, arbitrary, discriminatory and in violation of subsection (3) of sec. 6 of RTI Act 2005.

(ii) The decision of CPIO is also violation of the clause (d) of sub section (1) of section 4 of the RTI Act 2005 that, ‘provide reasons for its administrative or quasi-judicial decision to affected person’.

(iii) The decision of CPIO is also violation of subsection (4) & (5) of section 5 of RTI Act 2005 that ‘(4) The Central Public Information Officer or State Public Information Officer, as the case may be, may seek the assistance of any other officer as he or she considers it necessary for the proper discharge of his or her duties.

(5) Any officer, whose assistance has been sought under subsection (4), shall render all assistance to the Central Public Information Officer or State Public Information Officer, as the case may be, seeking his or her assistance and for the purposes of any contravention of the provisions of this Act, such other officer shall be treated as a Central Public Information Officer or State Public Information Officer, as the case may be.’

(iv) In view of provisions above mansion, the decision of CPIO patently illegal, arbitrary, discriminatory and in violation of RTI Act 2005 and liable punished under the RTI Act 2005.

10. Prayer/relief sought for: -

Information as applied

11. Grounds for Prayer/relief sought for:

1. To compensate the complainant for loss and other detriment suffered.

2. To dispose of appeal in favor of appellant as per grounds above mentioned within 30 days of received of appeal as per sub-section (6) of section 19.

3. Impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished under subsection (1) of section 20 of RTI Act 2005.

12. Personal Presence at hearing: NO

13. 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. Decision given by CPIO is annexed with appeal as annexure-A/3
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 is not previously filed with any information commission nor is pending with any Court or tribunal or authority.

Place: JABALPUR
Date: 08/03/2015

Signature of appellant
To,

The Public Information Officer
Ministry Of Mines
New Delhi.


Concerned Section- RCII Section

Particulars of the Applicant

1. Name : Shailendra Shukla
2. Gender : Male
3. Father Name : Late Shri Shivakant Shukla
4. Address for Correspondence: 166, Ravindra Nagar, Adhartal, Jabalpur M.P.
5. Telephone/Mobile No : 09893053352
6. Email ID : shailendr38@gmail.com

7. I, the Applicant, wish to seek the information related to the file no (16/02)/2007-RCII) now no.16/(03)/2013 & 16/(32)/2013-RCII of RCII section of ministry of mines. The information in this regard is as under:-

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(iii) The information sought printed form.

(iv) The application fee Rs.10/- has been paid by Indian postal order no. 22F 89298) Which is enclosed with application.

(v) You are humbly requested to provide information within a three days time as the same is required urgently by the applicant.

Place: New Delhi

Shailendra Shukla
INDIAN POSTAL ORDER

PAY TO... INDIAN POSTAL ORDER

THE SUM OF RUPEES TEN ONLY

POSTAL ORDER

To whom payable

Bank Account

At what Office

Whether crossed

Date sent

POSTMASTER

22F 992981
No. 07/05/2015/RC-II
Government of India/Bharat Sarkar
Ministry of Mines
(Revision Cell)

Shashtri Bhawan, New Delhi
Dated:- the 17th of February, 2011

Shri Shailendra Shukla,
166, Ravindra Nagar, Adhartal
Jabalpur, Madhya Pradesh
Pin-

Sub:- Application of Shri Shailendra Shukla, Madhya Pradesh under RTI Act 2005.

Sir,

I am directed to refer to your RTI application date 12.01.2015, receive on 21.01.2015 and to say that Revision Application No. 16/02/2007/RC-II has been renumbered as 16/(03)/2013/RC-II after reopening the file due to Court direction. It is also submitted that the Hearing on 17.11.2014 was cancelled due to reallocation of States to Revisionary Authorities in the Ministry of Mines vide this Office Order dated 10.11.2014.

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5. If you are not satisfied with the reply, you may file an appeal against the same within 30 days of receipt of the reply to the following:-


Yours faithfully

(Sandeep Kumar)
Section Officer (RC) & CPI
Tel. No. 2338 407

Copy for information to:-

(Sandeep Kumar)
Section Officer (RC)