

By Speed Post

File No. MoES/29/113/2013-RTI
Government of India
Ministry of Earth Sciences

Prithvi Bhawan, IMD Campus,
Lodhi Road, New Delhi.
Dated 11th February, 2014.

To

Shri Raja Acharya,
Flat No.K-7, Cluster-8, Sector-3,
Purbachal, Salt Lake City,
Calcutta-700097

Subject:- First Appeal under RTI Act 2005 filed by Shri Raja Acharya, Flat No.K-7, Cluster-8, Sector-3, Purbachal, Salt Lake City, Calcutta-700097

Sir,

Kindly refer to your RTI appeal dated 1/2/2014 on the above mentioned subject. The Appellate Authority has disposed off the matter vide letter dated 10/2/2014 (copy inclosed as Annexure-I).

2. The reply provided by the concerned officer of Cabinet Note, Minutes and D.O. letter are enclosed for further necessary action.

3. An appeal, if any, against this reply may be made to the Appellate Authority of the Ministry, at the following address within 30 days of the receipt of the letter i.e. Shri M. K. Bansal, Director, (RTI/ICC), Ministry of Earth Sciences, Prithvi Bhawan, IMD Campus, Lodhi Road, New Delhi-110003.

Encl. As above.

Yours faithfully,



(B. K. Thakur)

Central Public Information Officer & Scientist 'C'
Tel. No. 24669535.

Copy for information to:-

1. Director, (RTI/ICC), MoES, New Delhi.
2. Dr. M. Sudhakar, Transparency Officer, MoES, New Delhi.
3. PPS to JS, MoES, New Delhi.
4. In Charge IT Section (Sh. Krishnan is requested to upload this reply on website www.moes.gov.in).

File No. MoES/ 29/113/2013-RTI
Government of India
Ministry of Earth Sciences

Prithvi Bhavan, IMD Campus
Lodhi Road, New Delhi
Dated 10.02.2014

To,

1. Sh. Raja Acharya,
Flat No. K-7, Cluster-8, Sector-3
Purbachal, Salt Lake City, Calcutta-700097
2. Sh. B.K.Thakur, CPIO MoES

Sub: First Appeal u/s 19(1) of RTI Act-2005 vide application dated 01.02.2014 (received on 03.02.2014)

A. Brief Fact of the Case:

On perusal of the concerned file following facts are gathered;

1. Sh. Raja Acharya vide his RTI Application dated 05.10.2013 has requested following information relating to Re-organization of Ocean Development Department as Ministry of Earth Sciences and Formation of Earth Commission:
 - (a) *Copy of Cabinet Note along with minutes of the meeting of the Cabinet held on 9th May 2006, which was submitted by the erstwhile Department of Ocean Development to the Cabinet Secretariat for obtaining approval of Cabinet for re-organization of Department of Ocean Development as Ministry of Earth Sciences and formation of Earth Commission. (The Cabinet Approved the formation of MoES and Earth Commission in its meeting dated 9th May 2006)- copy enclsod*
 - (b) *A copy of Secretary, Department of Ocean Development D.O. letter no. DoD/Secy/DES/1/2005 Dated 23.11.2005 addressed to various Ministries/ Departments for comments on issue of draft Cabinet Note for re-organization of Department of Ocean Development as Ministry of Earth Sciences and formation of Earth Commission.*

On receiving the application on 08.10.2013, CPIO requested the information from respective wing so that same can be forwarded to applicant, since CPIO was not custodian of information. He further issued several reminders but no reply was given by respective official (who is deemed CPIO as per RTI Act 2005). In short, applicant was never replied.

B. Appeal Portion

Appellant Sh. Raja Acharya preferred first appeal under section 19(1) of RTI Act 2005 for not getting any response against his application dated 05.10.2013 and requested to provide the information. He preferred appeal vide his application dated 01.02.2014 (received in this office on 03.02.2014)

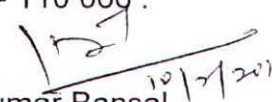
I've carefully gone into the details of the case and find that no reply was ever sent to Sh. Raja Acharya despite several reminders by CPIO. As per RTI Act 2005, section 5(4) & 5(5), the person whose assistance has been sought by CPIO in providing the information is treated as 'CPIO' for that matter. In the instant case the applicant was never replied which amounts to refusal of information.

C. Order

1. Since, the applicant was not replied; it may not be appropriate to decide the case on merit at this stage. **Therefore, in this case CPIO is directed that the matter may be decided as per provision of RTI Act 2005 within 15 days of date of this letter and applicant cum appellant shall be replied accordingly. The undersigned may be informed accordingly.**
2. Since, 30 days as stipulated in RTI Act have already elapsed, the information may be provided free of cost.
3. Appellant has the liberty to file another appeal to undersigned within 30 days of getting the reply on the merit of the case, in case he is not satisfied with the reply of CPIO.
4. Appeal Allowed & Disposed off.

D. In case you are not satisfied with the reply above the 2nd Appeal may be preferred to Central Information Commission as below:

Information Commissioner (KY), August Kranti Bhavan, New Delhi - 110 066 .


Manish Kumar Bansal
Director (ICC) & First
Appellate Authority

Copy to: Joint Secretary, Ministry of Earth Sciences