

CENTRAL INFORMATION COMMISSION

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F.No.CIC/AT/A/2009/000695
& F.No.CIC/AT/C/2009/000622

Dated, the 09th November, 2009.

Appellant : Shri Ram Shankar

Respondents : Department of Expenditure

This matter came up for hearing on 04.11.2009 in the presence of both parties.

2. The main point of query in appellant's RTI-application dated 26.03.2009 was whether, in the light of the recommendation of the Sixth Central Pay Commission (CPC), the Grade Pay in PB-2 on non-functional basis after 4 years of regular service in Grade Pay of 4800 in PB-2 was available to employees other than of the Departments of Posts and Revenue. Other queries are ancillary to the main query.

3. CPIO's reply to the appellant dated 13.04.2009 stated that the information as requested by the appellant was not held by the public authority within the meaning of Section 2(j). It was further stated that such queries were not about any material in any form but called upon the respondents to give an explanation which took the matter beyond the scope of Section 2(f) of the RTI Act.

4. In her decision dated 08.06.2009 the Appellate Authority stated as follows:-

"4. It is further informed that the decision of the Government vide para 1(x)(e) of this Department's Resolution No.1/1/2008-IC dated 29th August, 2008 is specific to Group B officers of Department of Posts and Department of Revenue, which are notified in the Resolution. This Resolution may be accessed on Ministry of Finance's website www.finmin.nic.in."

5. Appellant has described the information so far disclosed to him as misleading and incorrect. He particularly wants Appellate Authority to explain to him the meaning of the expression "etc." used in the CPC recommendation quoted by appellant. It is the respondents' plea that

they did not have any information corresponding to what the appellant has now stated.

6. I find that information has been provided to the appellant as it was held by the respondents. What appellant was seeking was for the respondents to explain to him whether the Grade Pay as mentioned by him in his RTI-application applied to employees of departments other than of the Departments of Posts and Revenue. Such a query could be a subject-matter of an enquiry from a Government Department, but cannot qualify to be a query under the RTI Act, which obligated respondents to disclose information as held by them. No responsibility is cast on any public authority to manufacture information for the convenience of the appellant.

7. In view of the above, I do not find merit in the second appeal. Closed.

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8. In his petition before the Commission, appellant has urged the Commission to *"impose penalties under Section-20 of RTI Act, 2005 for malafidely and willingly not providing correct, complete and exact requested information."*

9. Upon perusing the documents submitted before me and on hearing the submissions of both parties, I find the appellant's allegations unsubstantiated. There shall be no penalty proceedings in this regard.

10. Complaint closed.

11. Copy of this direction be sent to the parties.

(A.N. TIWARI)
INFORMATION COMMISSIONER