

**Public Authority:** Department of Electronics & Information Technology

**Role :** Appellate Authority **User :** Roop Kishor (Pers.3)

**Note :** Fields marked with are Mandatory. (नोट : से चिह्नित फील्ड अनिवार्य है)

**Registration Number:** DITEC/A/E/22/00020 [View RTI Request Details](#) [View Appeal Details](#)

**Appeal is received by:** Online Receipt

**Date of Receipt:** 15/02/2022

**Name :**

**Gender:**

**Address:**

**Phone Number:** Details not provided

**Mobile Number / Email-**

**ID:**

**State / Country:**

**RTI Request Registration No:** DITEC/R/E/22/00009

**RTI Request Registration Date:** 07/01/2022

**Appeal Letter No.:** Details not provided

**Appeal Letter Date:** Details not provided

**Citizenship Status :** Indian

**Is Appellant Bellow**

**Poverty Line ? :** No

**Does it concern the life or Liberty of a Person?** Details not provided.

**Name of CPIO:**

**CPIO's Order/Decision No:** Details not provided

**Date of Receipt of CPIO's Order/Decision:** Details not provided

**Ground for Appeal:** Refused access to Information Requested

**Prayer or Relief Sought:** The details of appeal are in a document uploaded as supporting document

**Reason for delay(if any) in filing this appeal:** N/A

*JD(P-111)*

*10/2/22*  
*50(P-111)*  
*UN*  
*16/2/2022*  
*50(H)*

15.2.2022

to

Shri Roop Kishor  
Director & First Appellate Authority, Personnel-3 Section,  
Ministry of Electronics and Information Technology,  
Electronics Niketan, 6, C.G.O. Complex,  
New Delhi-110003.

**Sub: First Appeal under Section 19(1) of RTI ACT, 2005**

Respected Sir,

I had filed online RTI application bearing Rgn. No. DITEC/R/E/22/00009 dated 7.1.2022 seeking following information:

- a. *MeitY's I.D. Note No. 3(5)/2021-PIII dated 14.09.2021 to DOPT.*
- b. *Communications made by MeitY with Department of Legal Affairs( DoLA), GOI in response to DoPT's I.D. Note No. Dy. No. 1463843/21/Secy(P) dated 30.09.2021 to MeitY.*
- c. *MeitY's I.D. note/s sent to DoLA in response to DOPT's I.D. Note No. Dy. No. 1463843/21/Secy(P) dated 30.09.2021 to MeitY on the issue of filing review petition on the order of Supreme Court and /or implementation of the order of Supreme Court dated 25.08.2021 in case of CA No.6359/2016 of Union of India & Ors Vs Vinay Kumar and other tagged cases.*
- d. *DoLA's I.D. note to MeitY rendering advice to MeitY on the issue of filing review petition on the order of Supreme Court and/or implementation of the order of Supreme Court dated 25.08.2021 in case of CA No.6359/2016 of Union of India & Ors Vs Vinay Kumar and other tagged cases.*

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- e. *Communications made by MeitY with Department of Expenditure (DoE), GOI in response to DOPT's I.D. Note No. Dy. No. 1463843/21/Secy(P) dated 30.09.2021 to MeitY and replies received from DoE on the issue of filing review petition in the Supreme Court . and /or implementation of the order of Supreme Court dated 25.08.2021 in case of CA No.6359/2016 of Union of India & Ors Vs Vinay Kumar and other tagged cases.*
- f. *MeitY's I.D. note sent to DoE in response to DOPT's I.D. Note No. Dy. No. 1463843/21/Secy(P) dated 30.09.2021 to MeitY on the issue of filing review petition and/ or implementation of the order of Supreme Court dated 25.08.2021 in case of CA No.6359/2016 of Union of India & Ors Vs Vinay Kumar and other tagged cases.*
- g. *DoE's I.D. note to MeitY rendering advice to MeitY on the issue of filing review petition on order of Supreme Court and/or implementing the order of Supreme Court dated 25.08.2021 in case of CA No.6359/2016 of Union of India & Ors Vs Vinay Kumar and other tagged cases.*
- h. *MeitY I.D. note/s sent to DoPT subsequent to MeitY getting advice from DoLA on the issue of filing review petition on order of Supreme Court and /or implementation of order of Supreme Court dated 25.08.2021 in case of CA No.6359/2016 of Union of India & Ors Vs Vinay Kumar and other tagged cases.*
- i. *Communications sent /made by DoPT to MeitY after 30.09.2021 on the issue of filing review petition in the Supreme Court and/ or implementation of the order of Supreme Court dated 25.08.2021 in case of CA No.6359/2016 of Union of India & Ors Vs Vinay Kumar and other tagged cases.*
- j. *DoPT's I.D. note/s sent to MeitY after 30.09.2021 on the issue of filing review petition in the Supreme Court and/ or implementation of the order of Supreme Court India*

*dated 25.08.2021 in case of CA No.6359/2016 of Union of India & Ors Vs Vinay Kumar and other tagged cases.*

2. I received communication from CPIO, Personnel-III section, MeitY bearing no. 14(1)/2020-P.III (Part-I) dated 14.2.2022 mentioning that MeitY, in consultation with DoPT, DoLA and D/o Expenditure has decided to file review petition against the judgment of the Supreme Court and that the concerned file has been referred to DoLA for seeking the opinion of the Solicitor General of India and the same is still awaited .

3. In above context, following is submitted for the consideration of Appellate Authority:

- a. CPIO, in his letter, has not mentioned any clause under section 8(1) which he has used to deny the information. Further the reason given by CPIO to deny the information is not at all covered by any clause under section 8(1) of RTI ACT. CIC many times has ruled that CPIO cannot imagine new exemptions other than grounds available in Section 8 (1) of RTI Act.
- b. CIC in its decision dated 31.07.2019 in case of File No. CIC/DGAAR/A/218/125595/SD has held that merely informing that matter is under consideration is akin to providing no information. CPIO in this case was directed by CIC to provide certified copies of available note sheet/correspondence as on the date of the order by CIC free of cost.
- c. Information sought has not been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court. Hence it cannot be denied under section 8(1)(b) of RTI Act. Further, MeitY itself is the custodian of the information sought and hence information sought not be denied under section 8(1)(c) of RTI Act. too.
- d. The information sought is in the context of the reply filed by MeitY vide letter no 6(1)/2018-ABCD ( Pt.III) dated 16.11.2021 to National Commission for Scheduled Castes in response to petitioner's rejoinder dated 31.08.2021 to Hon'ble Commission.

P.T.O.

The information sought has direct relevance to prayers of petitioner before Hon'ble Commission and promotion of the petitioner to the grade of Scientist 'G' from the date of eligibility. Further, there is large public interest involved in disclosing the sought information.

- e. By the time this appeal is disposed off by Appellate authority, MeitY would have received the opinion of the Solicitor General of India through DoLA on the issue of filing review petition against the judgment of the Supreme Court dated 25.8.2021 in case of Civil appeal 6359 of 2016.

In view of above, Appellate Authority is requested to issue speaking order and provide the information himself or direct CPIO to provide the information available as on the date of disposal of this appeal.

by appellate authority free of cost.

With Regards,