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SPEED POST
RTI MATTER



No. No. KRM/21/RTI/23/Service/2012/RU-I

Government of India

National Commission for Scheduled Tribes

6th Floor, 'B' Wing,
Loknayak Bhawan,
Khan Market,
New Delhi-110003

Dated: 12-11--2012

Sub: APPELLATE ORDER ON THE APPEAL DATED 25-10- 2012 FILED BY SHRI K.R. MEENA UNDER RTI ACT, 2005 -

1, the Appellate Authority in the National Commission for Scheduled Tribes have gone through the Appeal dated 25/10/2012 (received at the NCST, New Delhi on 29/10/2012), filed by Shri K.R. Meena, against the information provided by the CPIO vide Letter dated 24/09/2012 with reference to his application dated 31/08/2012.

2. The Appellate Authority has noted that Shri Meena has preferred the instant appeal not against denial of information but to highlight delay in providing compassionate appointment by the Railway Board to Smt. Gulbai Meena and her family and also non-receipt of the information sought by him vide letter dated 31/08/2012 under the RTI Act, 2005 from the Railway Board. In his appeal, Shri Meena has also requested the Appellate Authority to provide employment to one member of the family of Smt. Gulbai Meena.

DECISION ON THE APPEAL

3. After going carefully through the contents of the appeal and relevant records and examination of the same, I find that the CPIO has furnished information to Shri K. R.Meena vide letter No. KRM/21/RTI/23/Service/2012/RU-I dated 24/09/2012, as existing at that time, with reference to his application dated 31/08/2012 under the RTI Act.

4. The Appellate Authority has also noted that the Railway Board vide their letter No.2012-E(SCT)/II/3/17 dated 28/09/2012 has forwarded comments/report to the Commission with reference to a representation dated 9/04/2012, received from Smt. Gulbai Meena regarding payment of dues, granting of family pension and appointment to the son etc. Subsequently, the Commission vide letter No.CLM/4/2012/MRLY1/SEHRMT/RU-1 dated 07/11/2012 has forwarded the comments/report of the Railway Board to Smt Gulbai Meena with reference to her representation dated 9/04/2012. A copy of the said letter of the Railway Board, containing the present information/ record available with the Commission in the case is also being forwarded to the Appellant. Thus, the information as existing in the case stands furnished to the Appellant.

5. With reference to the delay in providing compassionate appointment by the Railway Board to Smt. Gulbai Meena, as highlighted by the Applicant, the Applicant is informed

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that the petitioner's right under the RTI Act, 2005 extends only to seeking information as defined in Section 2 (f) either by pinpointing the file, document, paper or record, etc.. or by mentioning the type of information as may be available with the specified public authority. It is also informed to the Appellant that according to DoPT circular dated 25-04-2008 "Only such information is required to be supplied under the Act which already exists and is held by the public authority or held under the control of the public authority. It is not required under the Act to create information; or to interpret information; or to solve the problems raised by the applicant; or the furnish replies to hypothetical questions."

6. Regarding non-receipt of the information sought by the Appellant vide letter dated 31/08/2012 from the Railway Board under the RTI Act, 2005, as the matter pertains to the Railway Board, the Appeal dated 25/10/2012 is also being transferred to the CPIO of the Railway Board, being the appropriate authority for providing the requisite information and also custodian of the information,

7. Since the information as per your application under the RTI Act, 2005, as held, has already been provided, the Appeal is accordingly disposed of.


(Aditya Mishra)

Joint Secretary, NCST & Appellate Authority
Tel: 24603669

Sh. K.R. Meena
G-40, S.G.M. Nagar,
Faridabad (Haryana)

Encl: As above

Copy to:

The CPIO,
Ministry of Railways,
Railway Board
Rail Bhawan, New Delhi
(with encl.)

A copy of the appeal dated. 25/10/2012, received from Shri K.R. Meena, is enclosed. The Appellant has also appealed against the non-receipt of the information from the, CPIO, Northern Railway, Divisional Manager, New Delhi with reference to his application dated 31/08/2012. Appropriate action in the matter may please be taken.

N.O.O.

Copy to : AD/Coord, SSA, NIC

