Date of Hearing : 30.01.2015
Date of Decision : 30.01.2015
Appellant : Shri N. B. Deshmukh
           Thane
Respondent : Shri P.M. Desai, representing CPIO
             Air India Ltd.
             Mumbai
Information Commissioner : Shri Yashovardhan Azad

Relevant facts emerging from appeal:
RTI application filed on : 15.03.2013
PIO replied on : 23.04.2013
First Appeal filed on : 14.05.2013
First Appellate Authority (FAA) order on : No order passed
Second Appeal received on : 22.10.2013

Information sought:
Appellant sought final selection list with the bifurcation of marks of those who appeared for
written, physical and interview with reference to HRD/PAC/(UG)/22 dated 16.09.1998.

Relevant facts emerging during hearing:
Both the parties are present and heard through video conference.

Appellant sought the above information by filing an RTI application dated 15.03.2013. PIO
vide letter dated denied the information u/s 8 of the RTI Act, 2005. Having received no reply
from the FAA, appellant filed second appeal before the Commission.

Appellant submitted that no information has been provided to him. PIO in a blanket manner
denied the information u/s 8 without mentioning any specific provision of Section 8 to deny the
same and requested to provide the information to him. On a query by the Commission under
which provision they denied the information to the appellant, the respondent Shri P.M. Desai
submitted that he is not aware of the facts of the case as it was being dealt by Shri Ravi Shinde,
General Manager (Personnel), Western Region, Mumbai, who is the CPIO concerned.
Decision:

After hearing both the parties and on perusal of record, the Commission with concern notes that the CPIO initially denied the information in a routine way without mentioning any specific provision under section 8 of the RTI Act. The Commission directs the PIO to revisit the RTI application of the appellant and provide the appropriate reply as per provisions of the RTI Act within two weeks of receipt of this order under intimation to the Commission.

The CPIO is cautioned not to deal with RTI applications in a casual manner and to take due cognizance of the provisions of the RTI Act. The Commission also finds that the FAA did not dispose of the first appeal filed by the appellant. The FAA, being a quasi-judicial body, should have given an opportunity of being heard, to the appellant and then gone into aspects like whether PIO has given correct reply, whether he has applied the provisions of the Act, etc. while disposing the appeal, by passing a speaking order. In the instant case, the FAA has failed to exercise his quasi-judicial power. The Commission, therefore, cautions the FAA to strictly follow the RTI regime while disposing of appeals and pass a speaking order, after taking due cognizance of merits of each case.

Chairman, Air India Ltd., Mumbai, is directed to take note of the manner in which PIO/FAA have dealt with the RTI application and first appeal. A copy of this order may be marked to Chairman, Air India Ltd., Mumbai, for information and necessary action as deemed fit.

The appeal is disposed of accordingly.

(Yashovardhan Azad)
Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

(B.D. Harit)
Deputy Secretary & Deputy Registrar