

केन्द्रीय सूचना आयोग  
**Central Information Commission**  
बाबागंगनाथमार्ग, मुनिरका  
**Baba Gangnath Marg, Munirka**  
नईदिल्ली, New Delhi – 110067

**File No : CIC/NIEPM/A/2019/146158**

**J V Varalakshmi**

**....अपीलकर्ता/Appellant**

**VERSUS**

**बनाम**

**CPIO,**

National Institute for Empowerment  
Of Persons with Multiple Disabilities,  
(Divyangjan), RTI Cell, Muttukadu, East  
Coast Road, Kovalam PO, Chennai – 603112

**....प्रतिवादीगण /Respondent**

Date of Hearing : 08/06/2021

Date of Decision : 08/06/2021

**INFORMATION COMMISSIONER : Saroj Punhani**

**Relevant facts emerging from appeal:**

RTI application filed on : 08/04/2019

CPIO replied on : 11/04/2019

First appeal filed on : 15/04/2019

First Appellate Authority's order : 08/08/2019

2nd Appeal/Complaint dated : 20/09/2019

**Information sought:**

The Appellant filed an online RTI application dated 08.04.2019 seeking the following information:

*“The Director of NIEPMD has recommended sanction of Child Care Leave (CCL) for Sri J V Subbaraman, Rehabilitation Officer, my brother. The Director justified the request of the employee, strongly recommended to Ministry of Social Justice & Empowerment. We thank the director for the same. Though the undersecretary to the Govt. of India has asked the institute to resubmit the proposal, it has not been done so far even after completion of two years. Please clarify why the proposal has not been resubmitted though the Director has recommended the proposal right from the beginning.”*

The CPIO replied to the appellant on 11.04.2019 stating as under:

*“A. An Office Memorandum Dated 25th July 2016 has been submitted to Director, Estt.(Leave & Allowances, DOPT, Old JNU campus, New Delhi by DEPwD, F.No:8- 14/2016-NI- (enclosed).  
B. As per Letter F.No:8- H/2016-NI dated 28th February 2017 of DEPwD; Specific comments and proposal was asked to be submitted by the Director.  
C. It is submitted that Clarifications from DOPT as mentioned in S. No. A is still awaited.”*

Being dissatisfied, the appellant filed a First Appeal dated 15.04.2019 seeking to now know the action taken on the Letter F.No:8- H/2016-NI dated 28th February 2017 of DEPwD. In response, FAA's letter dated 08.08.2019 intimated the appellant that:-

*“... decision/clarification form DOPT, Govt. of India and DEPwD, MSJ&E is yet to be received. We are sending a reminder to DEPwD in this regard.”*

Feeling aggrieved and dissatisfied, appellant approached the Commission with the instant Second Appeal praying that the department to state the reasons for the delay in sanction of CCL and to pay one month salary of the affected employee as compensation for causing mental and financial agony to him.

**Relevant Facts emerging during Hearing:**

The following were present:-

**Appellant:** Not present. **(Upon being contacted for the audio conference by the registry attached with this bench she requested that the issues raised by her in the Appeal may be put on hold as she has learnt that new management has replaced the old management of the Respondent office and so she would like to take up the matter afresh with the new management.)**

**Respondent:** Rajesh Muniyandi, Information-cum-Media Officer & PIO present through audio conference.

The PIO submitted that in response to the instant RTI Application, the Appellant was apprised of the fact that certain clarifications were awaited on the issue of sanction of CCL from DoPT which is why the comments on Appellant's brother's proposal could not be sent to DEPwD. He further submitted that eventually on 12.11.2020, the response to DEPwD's letter dated 28.02.2017 has been sent by their office, copy of which has been also sent for the Commission's perusal.

**Decision**

The Commission based on a perusal of the facts on record observes at the outset that the information sought for by the Appellant in the instant RTI Application is not as per Section 2(f) of the RTI Act as she has sought for justifications and clarifications to be provided by the CPIO. Yet, both the CPIO & FAA have tried to facilitate the Appellant with the factual status of the averred proposal for grant of CCL to her brother and the same is in keeping with the letter and spirit of the RTI Act.

The Appellant shall note that outstretching the interpretation of Section 2(f) of the RTI Act to include deductions and inferences to be drawn by the CPIO is unwarranted as it casts immense pressure on the CPIOs to ensure that they provide the correct deduction/inference to avoid being subject to penal provisions under the RTI Act.

It will be relevant here to cite certain judgments of Hon'ble Supreme Court and High Courts on the scope and ambit of Section 2(f) of RTI Act. The relevant extracts of the said judgments are reproduced hereunder:

Hon'ble Supreme Court in the matter of **CBSE vs. Aditya Bandopadhyay & Ors** [CIVIL APPEAL NO.6454 of 2011] held as under:

*“35. At this juncture, it is necessary to clear some misconceptions about the RTI Act. The RTI Act provides access to all information **that is available and existing**. This is clear from a combined reading of section 3 and the definitions of ‘information’ and ‘right to information’ under clauses (f) and (j) of section 2 of the Act. If a public authority has any information in the form of data or analysed data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in section 8 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non- available information and then furnish it to an applicant. **A public authority is also not required to furnish information which require drawing of inferences and/or making of assumptions. It is also not required to provide ‘advice’ or ‘opinion’ to an applicant, nor required to obtain and furnish any ‘opinion’ or ‘advice’ to an applicant. The reference to ‘opinion’ or ‘advice’ in the definition of ‘information’ in section 2(f) of the Act, only refers to such material available in the records of the public authority. Many public authorities have, as a public relation exercise, provide advice, guidance and opinion to the citizens. But that is purely voluntary and should not be confused with any obligation under the RTI Act.” (Emphasis Supplied)***

Similarly, in the matter of **Khanapuram Gandaiah vs Administrative Officer & Ors** [SLP (CIVIL) NO.34868 OF 2009], Hon'ble Supreme Court held as under:

*“6. Under the RTI Act "information" is defined under Section 2(f) which provides:*

*"information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, report, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force."*

*This definition shows that an applicant under Section 6 of the RTI Act can get any information which is already in existence and accessible to the public authority under law. Of course, under the RTI Act an applicant is entitled to get copy of the opinions, advices, circulars, orders, etc., but he cannot ask for any information as to why such opinions, advices, circulars, orders, etc. have been passed...."*

*"7....Public Information Officer is not supposed to have any material which is not before him; or any information he could have obtained under law. Under Section 6 of the RTI Act, an applicant is entitled to get only such information which can be accessed by the "public authority" under any other law for the time being in force. The answers sought by the petitioner in the application could not have been with the public authority nor could he have had access to this information and **Respondent No. 4 was not obliged to give any reasons as to why he had taken such a decision in the matter which was before him...."** (Emphasis Supplied)*

And, in the matter of **Dr. Celsa Pinto, Ex-Officio Joint Secretary,(School Education) vs. The Goa State Information Commission** [2008 (110) Bom L R 1238], the Hon'ble Bombay High Court held as under:

*"..... In the first place, the Commission ought to have noticed that the Act confers on the citizen the right to information. Information has been defined by Section 2(f) as follows.*

*Section 2(f) -Information means any material in any form, including records, documents, memos e-mails, opinions, advices, press releases, circulars, orders,*

*logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;*

*The definition cannot include within its fold answers to the question why which would be the same thing as asking the reason for a justification for a particular thing. **The Public Information Authorities cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information.***” (Emphasis Supplied)

It is pertinent to note that in furtherance of the issues raised in the RTI Application, the Appellant in her grounds of the Second Appeal has prayed that the Respondent office be directed to reply to the DEPwD letter of 28.02.2017 and to also order for one month salary of the affected employee to be paid as compensation for the mental and financial agony delay caused in sanctioning the CCL. Neither of these grounds are amenable to the jurisdiction of the Commission under the RTI Act and from the standpoint of the Act, there has been no delay in supply of the available information to the Appellant and for the said reasons, no action is warranted against the CPIO.

Similarly, it is brought to the attention of the Appellant that the fact that a new management has replaced the old management of the Respondent office or that the Appellant desires to pursue the matter afresh with the department are inconsequential to the fate of the instant Second Appeal filed under the RTI Act. In other words, RTI Act is meant to facilitate access to information to the citizens and is not for prescribing remedial action for administrative and service-related grievances. In this regard, the attention of the Appellant is drawn towards a catena of judgments of the superior Courts passed over the course of time stipulating the scope and ambit of the RTI Act vis-à-vis settlement of disputes or grievances.

In particular, reference may be had of a judgment of the Hon'ble High Court of Delhi in the matter of ***Hansi Rawat and Anr. v. Punjab National Bank and Ors. (LPA No.785/2012)*** dated **11.01.2013** wherein it has been held as under:

*"6. The proceedings under the RTI Act do not entail detailed adjudication of the said aspects. The dispute relating to dismissal of the appellant No.2 LPA No.785/2012 from the employment of the respondent Bank is admittedly pending consideration before the appropriate fora. The purport of the RTI Act is to enable the appellants to effectively pursue the said dispute. The question, as to what inference if any is to be drawn from the response of the PIO of the respondent Bank to the RTI application of the appellants, is to be drawn in the said proceedings and as aforesaid the proceedings under the RTI Act cannot be converted into proceedings for adjudication of disputes as to the correctness of the information furnished." (Emphasis Supplied)*

The aforesaid rationale finds resonance in another judgment of the Hon'ble Delhi High Court in the matter of ***Govt. of NCT of Delhi vs. Rajender Prasad (W.P.[C] 10676/2016)*** dated **30.11.2017** wherein it was held as under:

*"6. The CIC has been constituted under Section 12 of the Act and the powers of CIC are delineated under the Act. The CIC being a statutory body has to act strictly within the confines of the Act and is neither required to nor has the jurisdiction to examine any other controversy or disputes."(Emphasis Supplied)*

While, the Apex Court in the matter of ***Union of India vs Namit Sharma (Review Petition [C] No.2309 of 2012)*** dated **03.09.2013** observed as under:

*"20. ...While deciding whether a citizen should or should not get a particular information "which is held by or under the control of any public authority", the Information Commission does not decide a dispute between two or more parties concerning their legal rights other than their right to get information in possession of a public authority...." (Emphasis Supplied)*

Adverting to the foregoing discussion, the Commission is constrained to not entertain the prayer of the Appellant to put the instant case on hold. However, considering the gravity of the circumstances explained by the Appellant in her Second Appeal, the Commission directs the CPIO to place a copy of this order

before their competent authority to explore the possibility, if any, of providing monetary compensation to the affected employee under the extant rules and regulations as the comments on his CCL proposal were held up for over 3 years. Further, in the event that the Appellant approaches the Respondent office for any further redressal on the subject matter, due assistance shall be provided to her by the CPIO.

**With the above observations and advisory, the appeal is disposed of.**

**Saroj Punhani (सरोजपुनहानि)  
Information Commissioner (सूचनाआयुक्त)**

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केन्द्रीय सूचना आयोग  
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नई दिल्ली, New Delhi – 110067

**File No : CIC/NIEPM/A/2018/621823**

**Sankara Narayanan S**

...अपीलकर्ता/Appellant

VERSUS

बनाम

**CPIO,**

National Institute for Empowerment  
of Persons with Multiple Disabilities,  
Mutukadu, Kovalam Post,  
Chennai – 603112.

... प्रतिवादीगण /Respondent

RTI application filed on	:	12/02/2018
CPIO replied on	:	No reply
First appeal filed on	:	12/04/2018
First Appellate Authority order	:	No order
Second Appeal dated	:	28/05/2018
Date of Hearing	:	14/11/2019
Date of Decision	:	14/11/2019

सूचना आयुक्त : दिव्य प्रकाश सिन्हा  
**INFORMATION COMMISSIONER : DIVYA PRAKASH SINHA**

**Information sought:**

The Appellant sought copy of all the temporary advances sanctioned, copy of all settlement of Temporary Advance including North East programmes and SC/ST for the period between February to May, 2016 alongwith copy of Passbook of Savings Bank Account no. 76129729 for the aforesaid period etc. through 4 points.

**Grounds for the Second Appeal:**

The CPIO has not provided the desired information.

**Relevant Facts emerging during Hearing:**

The following were present:-

**Appellant:** Present through VC.

**Respondent:** M. Rajesh Information/Media Officer & PIO and Vijay Raghavan, Account Officer, National Institute for Empowerment of Persons with Multiple Disabilities, Mutukadu, Kovalam Post, Chennai present through VC.

Appellant stated that he was informed by the PIO on 14.03.2018 that assistance of Accounts Officer under Section 5(4) of the RTI Act was sought and final reply will be provided to him by 08.04.2018 by the Accounts Officer which has not been done till date.

At this juncture, on the basis of proceedings during hearing, Commission declared that Vijay Raghavan, Accounts Officer as Deemed PIO.

Vijay Raghavan, Accounts Officer & Deemed PIO submitted that he could not provide reply to the Appellant because of work load etc. He further submitted that he has brought reply to the RTI Application and if the Commission permits, will hand over the same to the Appellant during hearing.

**Decision**

Commission on the basis of proceedings during hearing, permitted the Deemed PIO to hand over the reply on the RTI Application to the Appellant during the course of hearing.

Commission expresses severe displeasure over the conduct of Deemed PIO in not providing timely reply to the Appellant. He is warned to remain careful in future.

In true spirit of the RTI Act, Commission directs the Deemed PIO to provide an opportunity to the Appellant to inspect relevant records pertaining to RTI Application on a mutually decided date and time duly intimated to the Appellant both telephonically and in writing. Copy of documents, if desired, should be provided to the Appellant free of cost.

Commission's direction should be complied within 15 days of receipt of this order and a compliance report should be sent to the Commission by Deemed PIO

**File No : CIC/NIEPM/A/2018/621823**

enumerating the details of documents inspected and copy of documents provided to the Appellant.

**The appeal is disposed of accordingly.**

**Divya Prakash Sinha ( दिव्य प्रकाश सिन्हा )  
Information Commissioner ( सूचना आयुक्त )**

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दिनांक / Date



केन्द्रीय सूचना आयोग  
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नई दिल्ली, New Delhi – 110067

द्वितीय अपील संख्या / Second Appeal No. **CIC/NIEPM/A/2023/616318**

Shri Vanniaperumal A

... अपीलकर्ता / Appellant

VERSUS/बनाम

PIO, National Institute for Empowerment of  
Persons with Multiple Disabilities

... प्रतिवादीगण / Respondent

Date of Hearing : 27.03.2024

Date of Decision : 27.03.2024

**Chief Information Commissioner : Shri Heeralal Samariya**

**Relevant facts emerging from appeal:**

RTI application filed on : 16.02.2023

PIO replied on : 03.03.2023

First Appeal filed on : 03.03.2023

First Appellate Order on : 27.03.2023

2<sup>nd</sup> Appeal/complaint received on : 31.03.2023

**Information sought and background of the case:**

The Appellant filed an RTI application dated 16.02.2023 seeking information on following points:-

*"It is gathered that relatives/family members of permanent/ temporary/contract staff are employed/engaged as permanent/temporary/contract staff. The following information are required department wise.*

*1. Name and designation of the permanent/temporary/contract staff / consultant whose family member/relative are employed/engaged as permanent/temporary/contract staff/consultant.*

*2. Name and designation of such relative/family member engaged as permanent/temporary/contract staff/consultant, date of employment/engagement.*

*3. Copy of policy/rules framed or permission of competent authority in employment/engagement of such relative/family member."*

The CPIO, National Institute for Empowerment of Persons with Multiple Disabilities vide letter dated 03.03.2023 replied as under:-

*"1. Disclosure of information exempted Under Section 8(1)(d) of RTI Act 2005*

2. -do-

3. No information available NIEPMD”

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 03.03.2023. The FAA vide order dated 27.03.2023 stated as under:-

*“1. As per our record Dr. K. Balabaskar is serving as Lecturer (Adult Independent Living) and his wife Smt. B. Leelavathi, is serving as Lecturer (Special Education Db). As regards of contractual staff is concerned all are being engaged as per approval of EC through proper advertisement. In the application forms there is no such column available to mentioned relative details working at NIEPMD.*

2. -do-

3. No such rules/policy is exist.”

Aggrieved and dissatisfied, the Appellant approached the Commission with the instant Second Appeal.

A written submission has been received from the CPIO, National Institute for Empowerment of Persons with Multiple Disabilities vide letter dated 19.03.2024 which has been taken on record.

**Facts emerging in Course of Hearing:**

**Appellant:** Present

**Respondent:** Shri M Rajesh, Information Media Officer

The Appellant reiterated his written submission dated 19.03.2024, the relevant extracts of which are as under:

*10. Mrs. Molly Philip, wife of Dr. A. Amamath, Deputy Registrar in charge and head of Social Work department is engaged on contract basis for more than a decade. It is well known to everybody. Ms. Bapina Kumar Rout engaged as Assn. Professor (Prosthetic & Orthotic) on contract basis is reportedly the relative of Dr. Nachiketa Rout, Director of the Institute. There are reportedly many staff related to each other. The contract staff/permanent staff are under the control of public authority (NIEPMD) and the requested information are under his control. Hence, the reply given by FAA is evasive. The denial of information by CPIO under section.8 (1) (d) is not justified as the information is not relating to any harm to the competitive position of a third party. The contract employees are not third parties.*

*11. Contract employees are engaged for more than a decade continuously. Hence, it is imperative to make disclosures about them as per Section.4, Sub Section (1) (b) (ix) of RTI of Act 2005*

12. The copy of counter statement to second appeal is not received by me till date.

*I pray the Honorable Chief information Commissioner to pass orders to provide me the requested information, as information is vital for transparency in administration considering what is stated in Section.4 sub section (1) (b) (ix) of RTI Act, 2005.*

Shri M Rajesh stated that in points 1 and 2 the Appellant is seeking personal information of third parties which is exempted from disclosure u/s 8 (1) (j). He also acknowledged that in the reply earlier provided by the CPIO exemption u/s 8 (1) (d) was incorrectly claimed and tendered his unconditional apology for the same. Regarding point no 3, he stated that no such policy/ rules exist on their record.

**Decision:**

Keeping in view the facts of the case and the submissions made by both the parties, the Commission is of the view that an appropriate response in accordance with the provisions of the RTI Act, 2005 has been provided by the Respondent. Hence, no further intervention of the Commission is required in this matter.

The instant Second Appeal stands disposed off as such.

**Heeralal Samariya (हीरालाल सामरिया)**  
**Chief Information Commissioner (मुख्य सूचना आयुक्त)**

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S. K. Chitkara (एस. के. चिटकारा)  
Dy. Registrar (उप-पंजीयक)  
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केन्द्रीय सूचना आयोग  
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द्वितीय अपील संख्या / Second Appeal No. **CIC/NIEPM/A/2023/617031**

Shri Vanniaperumal A

... अपीलकर्ता / Appellant

VERSUS/बनाम

PIO National Institute for Empowerment of  
Persons with Multiple Disabilities

...प्रतिवादीगण / Respondent

Date of Hearing : 27.03.2024

Date of Decision : 27.03.2024

**Chief Information Commissioner : Shri Heeralal Samariya**

**Relevant facts emerging from appeal:**

RTI application filed on : 08.02.2023

PIO replied on : 03.03.2023

First Appeal filed on : 06.03.2023

First Appellate Order on : 27.03.2023

2<sup>nd</sup>Appeal/complaint received on : 03.04.2023

**Information sought and background of the case:**

The Appellant filed an RTI application dated 08.02.2023 seeking information on following points:-

*“Please furnish the following details in respect of various bank accounts maintained for NIEPMD financial transactions.*

*1. Total number of bank accounts opened and operated by NIEPMD.*

*2. The name in which each account is opened and specific purpose for which opened, date of open of each account, name of bank and branch name.*

*3. The name and designation of the officials authorised to operate each account, copies of resolution of Executive council authorising to open each account.”*

The CPIO, National Institute for Empowerment of Persons with Multiple Disabilities vide letter dated 03.03.2023 replied as under:-

*“1. 14*

*2. Disclosure of information exempted Under Section 8(1) (d) of RTI Act 2005*



3. Disclosure of information exempted Under Section 8(1)(d) and 8(1)(g) of RTI Act 2005”

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 06.03.2023. The FAA vide order dated 27.03.2023 stated as under:-

*“This is in reference to your RTI appeal dated 8th February 2022 on the mentioned subject. On perusal of your appeal submitted to the First appellate Authority and also the reply already furnished by the CPIO, I am of the opinion that the reply furnished by the CPIO is well within the framework (Provisions) of the RTI Act 2005. As a standard practice, details of NIEPMD audited Account details are available in Annual Report <https://niepmd.tn.nic.in/annualreport.php>. Hence I am unable to comply with your request.”*

Aggrieved and dissatisfied, the Appellant approached the Commission with the instant Second Appeal.

A written submission has been received from the CPIO, National Institute for Empowerment of Persons with Multiple Disabilities vide letter dated 19.03.2024 which has been taken on record.

**Facts emerging in Course of Hearing:**

**Appellant:** Present

**Respondent:** Shri M Rajesh, Information Media Officer

The Appellant reiterated his written submission dated 19.03.2024, the relevant extracts of which are as under:

*“Ground for Second Appeal:-*

*1. As per bye-laws of NIEPMD, Executive Council has to authorise to open bank account. I reproduce here below the clause no.18.2 of the bye-law of the Institute.*

*“The funds of the institute shall be deposited in Nationalised/Scheduled Bank to be named by Executive Council and funds received shall be paid into the institutes ' account maintained in such a bank and shall not be withdrawn except on cheque signed and/or jointly operated by two persons designated by Executive Council and authorised to function on their behalf ”*

*The above information is available in the website of the Institute under the head RTI manual.*

*2. As per bye-laws, the bank account can be operated on behalf of the Executive Council by two persons designated by the Executive Council. Hence EC resolution is pre-requisite for opening Bank account of the Institute.*



3. Section 8 (1) (d) of the RTI Act 2005 deals with commercial confidence, trade secret and intellectual property, the disclosure of which would harm the competitive position of a third party Section 8 (1) (g) deals with the information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes.

4. The requested information in my RTI application is not covered under Section 8 (1) (d) and 8 (1) (g).

5. Hence, the CPIO has malafidely denied the information with ulterior motive of hiding the truth. It is against the letter and spirit of RTI Act, 2005 to bring transparency and corruption free administration.

6. The copy of the counter statement if any in response to my Second appeal is not received till date.

**PRAYER:**

1. I pray the honourable Chief Information Commissioner to enquire into the matter as per Section 18 sub section (1) (b) and sub section (1) (e) of RTI act 2005 and order to provide me the complete information sought in my RTI application.

2. I also pray the honourable Chief Information Commissioner to impose penalty of Rs,25000/- (twenty five thousand rupees) on the respondent as per section 20 sub section (1) of RTI act for denying the information malafidely and not furnishing the information within the time specified under sub section (1) of Section 7. (Penalty of Rs250 per day from 10.03.2023 till date. 375 days x Rs250 =Rs.93,750. Maximum Penalty specified as Rs 25,000). Under the circumstances, I humbly pray the honourable Chief Information Commissioner to take my written submission on record and pass orders as per my prayer made in this written submission in accordance with provision of RTI Act, 2005.”

Shri M Rajesh stated that the generic information sought in point no 1 was provided. However, in points 2 and 3 the Appellant is seeking personal information of third parties which is exempted from disclosure u/s 8 (1) (j). He also acknowledged that in the reply earlier provided by the CPIO exemption u/s 8 (1) (d) was incorrectly claimed and tendered his unconditional apology for the same.

**Decision:**

Keeping in view the facts of the case and the submissions made by both the parties, the Commission is of the view that an appropriate response in accordance with the provisions of the RTI Act, 2005 has been provided by the Respondent. Hence, no further intervention of the Commission is required in this matter.

The instant Second Appeal stands disposed off as such.

**Heeralal Samariya (हीरालाल सामरिया)**  
**Chief Information Commissioner (मुख्य सूचना आयुक्त)**

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S. K. Chitkara (एस. के. चिटकारा)  
Dy. Registrar (उप-पंजीयक)  
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केन्द्रीय सूचना आयोग  
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द्वितीय अपील संख्या / Second Appeal No. **CIC/NIEPM/A/2023/619251**

Shri Vanniaperumal A

... अपीलकर्ता / Appellant

VERSUS/बनाम

PIO National Institute for Empowerment of  
Persons with Multiple Disabilities

... प्रतिवादीगण / Respondent

Date of Hearing : 27.03.2024

Date of Decision : 27.03.2024

**Chief Information Commissioner : Shri Heeralal Samariya**

**Relevant facts emerging from appeal:**

RTI application filed on : 05.02.2023

PIO replied on : NA

First Appeal filed on : 17.03.2023

First Appellate Order on : 12.04.2023

2<sup>nd</sup> Appeal/complaint received on : 17.04.2023

**Information sought and background of the case:**

The Appellant filed an RTI application dated 05.02.2023 seeking information on following points:-

*“CPCL has paid Rs 10 lacs on 16.10.2018 to NIEPMD towards skill development project under CSR. The following information are required in this regard.*

1. Copy of project report submitted to CPCL to get the CSR funds.

2. Details of the activities done under the project, number of beneficiaries, places where activities completed, details of the goals achieved.

3. Details of the expenditure incurred in completion of the project such as nature of expenses, date, amount, name and address of the persons who received the payment.

4. Copy of the utilisation certificate submitted to CPCL.

5. Name and designation of the official responsible to conduct and complete the project.”

Aggrieved due to non-receipt of any response from the CPIO within the time limit, the Appellant filed a First Appeal dated 17.03.2023. The FAA vide order dated 12.04.2023 stated as under:-

*“1. Copy Enclosed (Annexure A)*

*2. Project: Skill Training in Sublimation Printing*

*No. of Beneficiaries: 20*

*(List Enclosed Annexure B)*

*Place: DAIL, NIEPMD*

*Goal Achieved: Curriculum Enclosed*

*(Annexure C)*

*3. The information sought under Q.No:3 are beyond five years old files and stored in File record room that is not easy accessible and difficult to locate and access each specific voucher/document in the middle of Annual Accounts year end closing work. Providing such information requires additional time beyond the stipulated given time.*

*4. Ms.T. Mahalakshmi, Vocational Instructor”*

Aggrieved and dissatisfied, the Appellant approached the Commission with the instant Second Appeal.

A written submission was also received from the CPIO, National Institute for Empowerment of Persons with Multiple Disabilities vide letter dated 19.03.2024 which has been taken on record.

**Facts emerging in Course of Hearing:**

**Appellant:** Present

**Respondent:** Shri M Rajesh, Information Media Officer

The Appellant referred to his written submission dated 19.03.2024 wherein he stated that he had not received information on points 3 and 4 till date. He therefore inter alia prayed to inquire into the matter u/s 18 (1) (e) and provide him the complete information. He also prayed to impose penalty of Rs 25,000 against the CPIO u/s 20 (1) of the RTI Act, 2005 for knowingly giving incomplete information beyond the period stipulated under Section 7 (1) of the RTI Act.

Shri M Rajesh stated that point wise information as per available record was provided to the Appellant. Regarding point 3 he stated that the information sought is not held in any material form as it is recorded in multiple files and the organisation has to collect and collate the required information which is beyond the scope of the RTI Act, 2005. Regarding point 4 he stated that copy of the

utilisation certificate issued to third parties cannot be given to others without the consent of third party.

**Decision:**

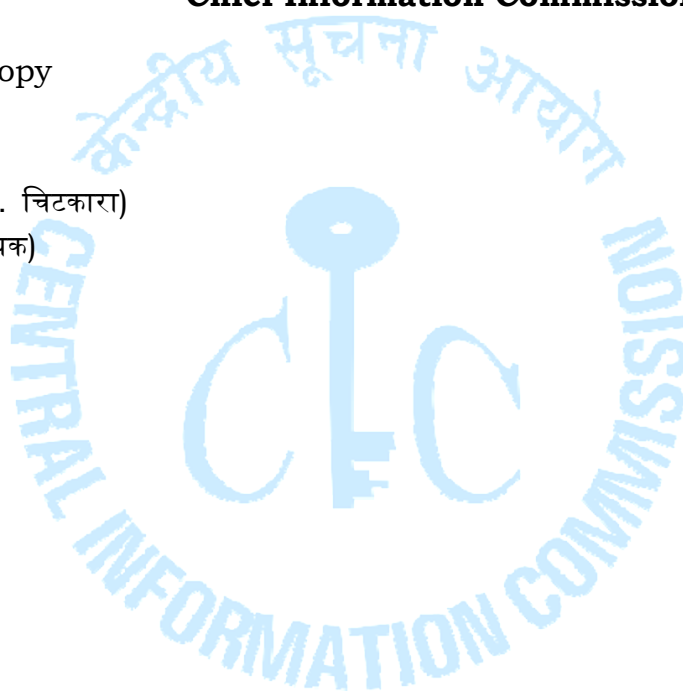
Keeping in view the facts of the case and the submissions made by both the parties, the Commission is of the view that an appropriate response in accordance with the provisions of the RTI Act, 2005 has been provided by the Respondent. Hence, no further intervention of the Commission is required in this matter.

The instant Second Appeal stands disposed off as such.

**Heeralal Samariya (हीरालाल सामरिया)**  
**Chief Information Commissioner (मुख्य सूचना आयुक्त)**

Authenticated true copy  
(अभिप्रमाणित सत्यापित प्रति)

S. K. Chitkara (एस. के. चिटकारा)  
Dy. Registrar (उप-पंजीयक)  
011-26186535



केन्द्रीय सूचना आयोग  
Central Information Commission  
बाबागंगनाथमार्ग, मुनिरका  
Baba Gangnath Marg, Munirka  
नईदिल्ली, New Delhi – 110067

द्वितीय अपील संख्या / Second Appeal No. **CIC/NIEPM/A/2023/615347**

Shri Vanniaperumal A

... अपीलकर्ता / Appellant

VERSUS/बनाम

PIO, National Institute for Empowerment of  
Persons with Multiple Disabilities

...प्रतिवादीगण / Respondent

Date of Hearing : 27.03.2024

Date of Decision : 27.03.2024

**Chief Information Commissioner : Shri Heeralal Samariya**

**Relevant facts emerging from appeal:**

RTI application filed on : 04.02.2023

PIO replied on : 16.02.2023

First Appeal filed on : 17.02.2023

First Appellate Order on : 20.03.2023

2<sup>nd</sup>Appeal/complaint received on : 28.03.2023

**Information sought and background of the case:**

The Appellant filed an RTI application dated 04.02.2023 seeking information on the following points:-

*“In letter no NIEPMD/LIB9(8)RTI/2022-23 dated 13.12.2022 in response to RTI no NIEPM/R/E/22/00048 dated 25.11.2022, it is stated that information regarding amount paid and date of payment to Servotec Engineers for installation of heating system at Hydrotherapy unit are available with CPWD. But CPWD in letter no 14(2)C2D/2023/56 dated 04.02.2023 reported that the requested public information was not pertaining to their office. Hence please provide the following information.*

- 1. Amount paid and date of payment to Servotec Engineers for supply and installation of heating system at Hydrotherapy unit.*
- 2. Details of warranty for trouble free functioning of the heating system.*
- 3. Details of other equipments/installations/exhaust system. Name and address of the suppliers of each equipment/installation. Date and amount paid to each supplier of the equipment/ installation.”*

The CPIO vide letter dated 16.02.2023 replied as under:-

*“1. It is depository work, NIEPMD has no details.*

2. As per the norms

3. It is a depository work, as per the terms & conditions all equipments/installations done by CPWD, hence no payment details available with NIEPMD.”

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 17.02.2023. The FAA vide order dated 20.03.2023 stated as under:-

*“Running Account (RA Bills) details are maintained by CPWD. It is a correspondence between the contractor and Engineer (CPWD) of the contract. NIEPMD is an Employer (Client) NIEPMD not having the RA bill details. However a copy of UC submitted by CPWD is enclosed herewith.”*

Aggrieved and dissatisfied, the Appellant approached the Commission with the instant Second Appeal.

**Facts emerging in Course of Hearing:**

A written submission dated 19.03.2024 has been received from the Appellant wherein he has narrated that he had filed the RTI application since the Hydrotherapy Unit at NIEPMD had not been made functional and services thereof were being denied to the patients.

A written submission dated 19.03.2024 has also been received from the PIO, whereby he reiterated that Appellant had been duly informed that the work of the Hydrotherapy Unit had been done by CPWD as depository work and hence the NIEPMD had no information with respect to the queries raised by the Appellant.

Hearing was scheduled after giving prior notice to both the parties.

**Appellant:** Present through video conference

**Respondent:** Shri M Rajesh – CPIO was present through video conference during the hearing.

Both parties reiterated their respective contentions as noted above. Appellant stated that he is not satisfied with the information provided by the Respondent. The Respondent replied that queries raised by the Appellant related information which was not available with them and hence the PIO had responded accordingly.

**Decision:**

Perusal of records of the case reveals that the Respondent had furnished appropriate response to the Appellant, on the basis of information available on record with them in terms of the provisions of the RTI Act.



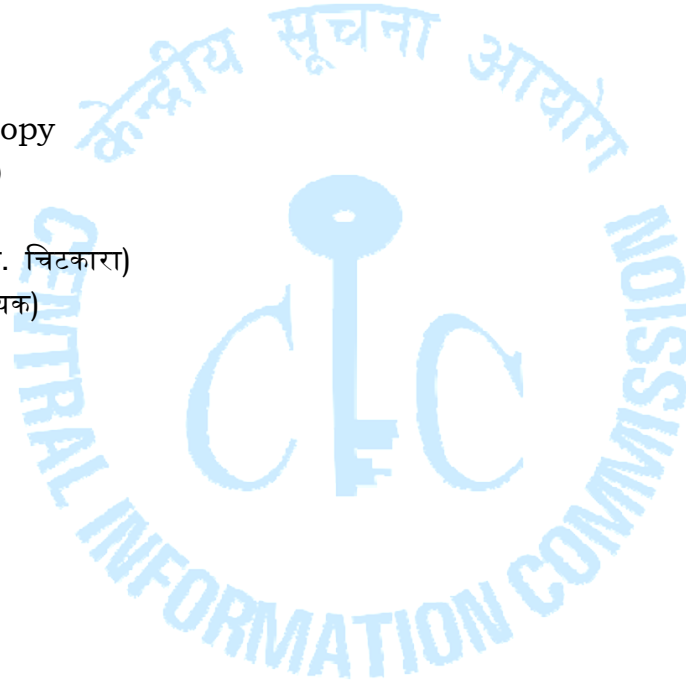
It is noted that the written submission dated 19.03.2024 filed by the Respondent before the Commission contains detailed, comprehensive and self explanatory information. Hence, the Commission hereby directs the PIO to send a copy of the written submission dated 19.03.2024, to the Appellant, within two weeks of receipt of this order. The Respondent shall also submit a compliance report in this regard before the Commission, within one week thereafter. No further intervention is warranted in this case, under the RTI Act.

The appeal is disposed off accordingly.

**Heeralal Samariya (हीरालाल सामरिया)**  
**Chief Information Commissioner (मुख्य सूचना आयुक्त)**

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S. K. Chitkara (एस. के. चिटकारा)  
Dy. Registrar (उप-पंजीयक)  
011-26186535





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नई दिल्ली, New Delhi – 110067

द्वितीय अपील संख्या / Second Appeal No. **CIC/NIEPM/A/2023/608111**

Shri Vanniaperumal A

... अपीलकर्ता / Appellant

VERSUS/बनाम

PIO, National Institute for Empowerment of  
Persons with Multiple Disabilities

...प्रतिवादीगण / Respondent

Date of Hearing : 27.03.2024  
Date of Decision : 27.03.2024  
**Chief Information Commissioner : Shri Heeralal Samariya**

**Relevant facts emerging from appeal:**

RTI application filed on : 10.11.2022  
PIO replied on : 07.12.2022  
First Appeal filed on : 07.12.2022  
First Appellate Order on : 28.12.2022  
2<sup>nd</sup>Appeal/complaint received on : 16.02.2023

**Information sought and background of the case:**

The Appellant filed an RTI application dated 10.11.2022 seeking information on the following points:-

*“Swachhata program was announced to clear all pending matters during September and October 2022. Disposal of scraps was to be completed in phase of the program in October 2022. The following information are required in this regard.*

- 1.Total amount spent for beautification clean up and other work done during the program.*
- 2.The name and address of the persons received payments for providing services and materials during the program, name an address date of payment, amount, details of the services and materials provided for each payment.*
- 3.Copy of report sent to govt, ministry, other official regarding the work done during the program.*
- 4. There are still huge scraps dumped in old building and other places. List of each scrap item and the tentative date by which these items would be disposed.”*

The CPIO vide letter dated 07.12.2022 replied as under:-

- “1. Enclosed Annexure A*
- 2. -do-*
- 3. Enclosed Annexure B*
- 4. During swachhata program institute had identified scrap item stored in old building. Re-verification of inventories and scrap identified material are under*

*process for proper updation of record and giving final confirmation to identified material for scraping process. After final confirmation of earmarked material e-auction process will be initiated.”*

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 07.12.2022. The FAA vide order dated 28.12.2022 held as under:-

*“The Applicant requested details has been sent as an attachment”*

Aggrieved and dissatisfied, the Appellant approached the Commission with the instant Second Appeal.

**Facts emerging in Course of Hearing:**

A written submission dated 19.03.2024 has been received from the Appellant.

A detailed written submission dated 19.03.2024 has been received from the PIO and duly taken on record.

Hearing was scheduled after giving prior notice to both the parties.

**Appellant:** Present through video conference

**Respondent:** Shri M Rajesh – CPIO was present through video conference during the hearing.

Both parties reiterated their respective contentions as noted above. Appellant stated that he is not satisfied with the information provided by the Respondent. The Respondent replied that information available on official records with respect to the queries raised by the Appellant has been provided to him, in terms of the provisions of the RTI Act.

**Decision:**

Perusal of records of the case reveals that the Respondent had duly furnished appropriate response to the Appellant, on the basis of information available on record with the public authority as defined under Section 2(f) of the RTI Act. In addition, detailed and point wise written submission filed by the Respondent reveals that adequate information has been furnished by the PIO.

It is noted that the written submission dated 19.03.2024 filed by the Respondent before the Commission contains detailed, comprehensive and self explanatory information. Hence, the Commission hereby directs the PIO to send a copy of the written submission dated 19.03.2024, to the Appellant, within two weeks of receipt of this order. The Respondent shall also submit a compliance report in this regard before the Commission, within one week thereafter. No further intervention is warranted in this case, under the RTI Act.

The appeal is disposed off accordingly.

**Heeralal Samariya (हीरालाल सामरिया)**  
**Chief Information Commissioner (मुख्य सूचना आयुक्त)**

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S. K. Chitkara (एस. के. चिटकारा)  
Dy. Registrar (उप-पंजीयक)  
011-26186535



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नईदिल्ली, New Delhi – 110067

द्वितीय अपील संख्या / Second Appeal No. **CIC/NIEPM/A/2023/613051**

Smt R Philomina Rajam

... अपीलकर्ता / Appellant

VERSUS/बनाम

PIO, National Institute for Empowerment of  
Persons with Multiple Disabilities (NIEPMD),  
Chennai

...प्रतिवादीगण / Respondent

Date of Hearing : 26.04.2024

Date of Decision : 26.04.2024

**Chief Information Commissioner : Shri Heeralal Samariya**

**Relevant facts emerging from appeal:**

RTI application filed on : 21.12.2022

PIO replied on : 13.01.2023

First Appeal filed on : 14.01.2023

First Appellate Order on : 14.02.2023

2<sup>nd</sup>Appeal/complaint received on : 13.03.2023

**Information sought and background of the case:**

The Appellant filed an RTI application dated 21.12.2022 seeking information on following points:-

*“Around the year 2013-2015 some adult disabled children were selected/hand picked for training and employment in various sections of NIEPMD under Sheltered Training and Employment Scheme. Following information are required.*

*1. Copy of the scheme details formulated.*

*2. Names of persons selected and literacy level of each person.*

*3. Duration of training and employment details in various sections/departments of NIEPMD for each candidate.*

*4. Details of wages/salary/emoluments /other payments paid to each person from beginning to till date.*

*5. Present employment status of each person as on date.*

6.If any person has discontinued Sheltered employment/ employment elsewhere, details of retraining and scope of further employment for each such person.”

The CPIO, National Institute for Empowerment of Persons with Multiple Disabilities (NIEPMD), Chennai vide letter dated 13.01.2023 replied as under:-

Point No. 1:-“As part of Vocational Training, Individualised vocational training programme, preparatory training for jobs and placement services were provided as part of DAIL

Point No. 2:-Depending upon the level of severity all the trainees registered with NIEPMD were provided vocational assessment, follow-up services and career guidance services.

Point No. 3:-Duration of training fixed based on the ability, severity and need of individual with disabilities and their family members.

Point No. 4:-No person is provided with salary or wage emoluments during their course of training

Point No. 5:-Individual with Disabilities were provided training on open employment / self-employment and supported employment in different consultation with family members

Point No. 6:-Based on the request from parents and employers follow up services provided for retraining and placement trainees.”

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 14.01.2023. The FAA vide order dated 14.02.2023 stated as under:-

Sr. No.	Information sought	Reply
1	NIEPMD selected first batch of around 16-20 PWD adults during 2009 for employment training.	<ul style="list-style-type: none"> <li>NIEPMD provided employment training for enrolled trainees, as per the need and request of Family members.</li> </ul>
2	Persons were given sheltered employment in 2013	<ul style="list-style-type: none"> <li>Employability training includes Open /Self / Supported / Sheltered Employments. In 2013, 12 trainees got "on the job training" skills at NIEPMD.</li> </ul>
3	Duration the training period they were given stipend	<ul style="list-style-type: none"> <li>Yes, during the employability skill training</li> </ul>

		<i>period, stipend was given.</i>
4	<i>Credit to their bank account</i>	<ul style="list-style-type: none"> <li>• <i>Yes, this stipend directly credited to the individuals in order to train them. in money transaction concept/ skills.</i></li> </ul>
5	<i>Mr. 1. Mustafa &amp; Mr. J. Rijay were among these Candidates</i>	<ul style="list-style-type: none"> <li>• <i>Yes, The said individuals registered and enrolled in NIEPMD-DAIL for getting various service and employability skill training.</i></li> </ul>
6	<i>Mr. 1. Mustafa was stopped from sheltered employment in June 2018</i>	<ul style="list-style-type: none"> <li>• <i>Enrolled trainees after successful completion of vocational / skill training, guided for employment opportunities in various sector / institutions.</i></li> <li>• <i>This individual also trained and equipped with necessary skills for taking up various employment opportunities in job market.</i></li> <li>• <i>This individual got employment in open market at Shell Petrol Pump, Kanathur.</i></li> </ul>
7.	<i>Mr. J. Rijay is still continuing in sheltered employment at NIEPMD</i>	<ul style="list-style-type: none"> <li>• <i>Career Guidance &amp; Counselling was provided to individual and family member, and communicated accordingly.</i></li> <li>• <i>This individual matter is under Court case.</i></li> </ul>

Aggrieved and dissatisfied, the Appellant approached the Commission with the instant Second Appeal.

A written submission has been received from the CPIO, National Institute for Empowerment of Persons with Multiple Disabilities (NIEPMD), Chennai vide letter dated 11.04.2024 which has been taken on record.

**Facts emerging in Course of Hearing:**

**Appellant:** Absent

**Respondent:** Shri M Rajesh, CPIO

The Appellant remained absent during the hearing despite prior intimation. A written submission was however received from the Appellant dated 12.04.2024 wherein it was stated that in response to the Second Appeal, she had received a copy of the Office Note dated 21.03.2023 from NIEPMD containing certain information which she is satisfied with.

Shri M Rajesh reiterated his written submission and stated that point wise information as per available record was provided to the Appellant except the personal information of third parties which was exempted u/s 8 (1) (j) of the RTI Act, 2005.

### **Decision**

Keeping in view the facts of the case and the submissions made by both the parties, the Commission is of the view that an appropriate response as per the provisions of the RTI Act, 2005 has been provided by the Respondent. Hence, no further intervention of the Commission is required in the instant matter.

With the above observation, the instant Second Appeal stands disposed off accordingly.

**Heeralal Samariya** (हीरालाल सामरिया)  
**Chief Information Commissioner** (मुख्य सूचना आयुक्त)

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S. K. Chitkara (एस. के. चिटकारा)  
Dy. Registrar (उप-पंजीयक)  
011-26186535

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**Recomendation(s) to PA under section 25(5) of the RTI Act, 2005:-**

Nil



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**Recomendation(s) to PA under section 25(5) of the RTI Act, 2005:-**

Nil

केन्द्रीय सूचना आयोग  
Central Information Commission  
बाबा गंगनाथ मार्ग, मुनिरका  
Baba Gangnath Marg, Munirka  
नई दिल्ली, New Delhi – 110067

द्वितीय अपील संख्या / Second Appeal No. **CIC/NIEPM/A/2023/634328**

Shri Vanniaperumal A

... अपीलकर्ता / Appellant

VERSUS/बनाम

PIO,  
National Institute for Empowerment of Persons  
with Multiple Disabilities (NIEPMD)

...प्रतिवादीगण / Respondent

Date of Hearing : 06.09.2024

Date of Decision : 06.09.2024

**Chief Information Commissioner : Shri Heeralal Samariya**

**Relevant facts emerging from appeal:**

RTI application filed on : 01.04.2023

PIO replied on : 28.04.2023

First Appeal filed on : 28.04.2023

First Appellate Order on : 30.05.2023

2<sup>nd</sup>Appeal/complaint received on : 12.07.2023

**Information sought and background of the case:**

The Appellant filed an RTI application dated 01.04.2023 seeking information on following points:-

*“NIEPMD has informed me in one of the correspondence that 14 bank accounts are opened and operated. The following information are required. (1) Details of funds received into each bank account, date, amount, name of remitter of funds, purpose.(2) Details of utilisation of the funds, date, amount paid, name and address of the persons who received payments.(3) Copies of utilisation certificates/ final reports for having received and spent the funds.”*

The CPIO, National Institute for Empowerment of Persons with Multiple Disabilities (NIEPMD), Chennai vide letter dated 28.04.2023 replied as under:-

*Point No. 1 to 3:- “Disclosure of information is exempted”*

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 28.04.2023. The FAA vide order dated 30.05.2023 stated as under:-

*“On perusal of your appeal submitted to the First appellate Authority and also the reply already furnished by the CPIO, I am of the opinion that the reply furnished by the CPIO is well within the framework (Provisions) of the RTI Act 2005. As a standard practice, details of NIEPMD audited Account details are available in Annual Report [https://niepmd.tn.nic.in/annual\\_report.php](https://niepmd.tn.nic.in/annual_report.php). Hence I am unable to comply with your request.”*

Aggrieved and dissatisfied, the Appellant approached the Commission with the instant Second Appeal.

**Facts emerging in Course of Hearing:**

**Appellant:** Present

**Respondent:** Shri M. Rajesh, PIO

The CPIO reiterated the written submissions dated 30.08.2024 filed before the commission:

**Decision:**

Keeping in the view of the case and the submissions made by the CPIO , the commission is of the view that an appropriate response as per the RTI Act, 2005 has been provided by the CPIO no further intervention of the commission is required in the instant matter. Hence, with the above observation, the second appeal stands disposed off.

**Heeralal Samariya (हीरालाल सामरिया)**  
**Chief Information Commissioner (मुख्य सूचना आयुक्त)**

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S. K. Chitkara (एस. के. चिटकारा)  
Dy. Registrar (उप-पंजीयक)  
011-26186535

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**Recomendation(s) to PA under section 25(5) of the RTI Act, 2005:-**

Nil