

Shastri Bhawan, New Delhi,  
Dated, the 4<sup>th</sup> January, 2024

Appeal Case No.61 (LEGIS/R/E/23/00305)  
IN THE MATTER OF :  
Shri Partha Pratim Bhattacharya,  
B-202, Gateway Towers, Plot No.24,  
Sector-4, Vaishali, NCR Distt. Ghaziabad,  
Uttar Pradesh-201010.

.....Appellant

v.  
Central Public Information Officer,  
Ministry of Law and Justice,  
Legislative Department,  
Shastri Bhawan, New Delhi.

.....Respondent

O R D E R

This is an appeal dated 14.11.2023 filed by Shri Partha Pratim Bhattacharya (received in this Department on 28.11.2023) under section 19 (1) of the Right to Information Act, 2005 (the RTI Act) with respect to his online RTI application dated 26.9.2023.

2. I have perused the RTI application of Shri Partha Pratim Bhattacharya and his RTI appeal as well as other material available on record. That the appellant had filed the online RTI application dated 26.9.2023 seeking information on the following, namely:-

- (i) all notesheets of file bearing F.No.2(1)(i)/West Bengal/Const./99-Leg.II;
- (ii) the documents, wherever flagged with reference to a particular note therein; and
- (iii) index of the documents maintained in the file, having, inter alia, the description of the document(s) and the corresponding page number(s) in the file.

3. The CPIO, Legislative Department informed the appellant online on 17.10.2023 that Shri P.P. Bhattacharya, Addl.L.C. (Bengali) who is also an applicant can be presumed to be in possession of the said file which is easily accessible to him. Hence, he cannot seek information under RTI Act, 2005. However, the appellant has filed this instant appeal stating that the CPIO refused to provide the information.

4. In this connection, it is stated that the appellant is part of the public authority therefore, is not eligible to seek information under the RTI Act, 2005. The RTI application which is meant for citizens to secure access to information under the control of public authorities. Further, Hon'ble Supreme Court of India in Civil Appeal No.6454 of 2011 held that "indiscriminate and impractical demands of directions under the RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive and it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information."

5. The Central Information Commission in case No. CIC/SA/A/2015/002028 has held that a misuse of RTI by employee will amount to misconduct and, acting under section 19(8) (a) of the RTI Act, require the public authority to take steps to proceed with disciplinary action for his misuse of RTI Act. Further holds every misuse of system like, misuse of PGMS, RTI and social media shall be considered as an item of misconduct that invite disciplinary action.

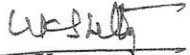
6. Further, the Central Information Commission in the cases CIC/SA/A/2014/000543 and 000652 to prohibit reckless abuser of RTI, the Commission recommended the Respondent to prepare a brief on the Appellant misuse of RTI Act about his applications and appeals besides giving the number of complaints

Issued  
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filed by him and attach this order that note which shall be displayed at prominent place in the office and put on official website under the heading of misuse of RTI Act.

7. Due to Winter Session, 2023 of Parliament the officers were engaged, therefore, the appeal could not be decided within the prescribed time limit and is decided within extended period admissible under section 19 (6) of RTI Act, 2005.

8. Accordingly, the appeal is dismissed.

  
(Udaya Kumara)

Additional Secretary and First Appellate Authority  
Phone: 23384404 E mail: [aa-rti-legis@nic.in](mailto:aa-rti-legis@nic.in)

Copy to: 1. Shri Partha Pratim Bhattacharya, B-202, Gateway Towers, Plot No.24, Sector-4, Vaishali,  
NCR Distt. Ghaziabad, Uttar Pradesh-201010.  
2. CPIO, Legislative Department.

ADDITIONAL SECRETARY AND FIRST APPELLATE AUTHORITY  
MINISTRY OF LAW AND JUSTICE, LEGISLATIVE DEPARTMENT

Shastri Bhawan, New Delhi,  
Dated, the 4<sup>th</sup> January, 2024

Appeal Case No.60 (LEGIS/R/E/23/00304)  
IN THE MATTER OF :  
Shri Partha Pratim Bhattacharya,  
B-202, Gateway Towers, Plot No.24,  
Sector-4, Vaishali, NCR Distt. Ghaziabad,  
Uttar Pradesh-201010.

.....Appellant

v.  
Central Public Information Officer,  
Ministry of Law and Justice,  
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Shastri Bhawan, New Delhi.

.....Respondent

O R D E R

This is an appeal dated 14.11.2023 filed by Shri Partha Pratim Bhattacharya (received in this Department on 28.11.2023) under section 19 (1) of the Right to Information Act, 2005 (the RTI Act) with respect to his online RTI application dated 26.9.2023.

2. I have perused the RTI application of Shri Partha Pratim Bhattacharya and his RTI appeal as well as other material available on record. That the appellant had filed the online RTI application dated 26.9.2023 seeking information on the following, namely:-

- (i) all notesheets of file bearing F.No.2(1)(i)/Bengali/Corr./2020-Leg.II;
- (ii) the documents, wherever flagged with reference to a particular note therein; and
- (iii) index of the documents maintained in the file, having, inter alia, the description of the document(s) and the corresponding page number(s) in the file.

3. The CPIO, Legislative Department informed the appellant online on 17.10.2023 that the file No.2(1)(i)/Bengali/Corr./2020-Leg.II has already been given to the appellant on his request as per records available with the Leg.II section of Official Languages Wing and the same is very well accessible to him. However, the appellant has filed this instant appeal stating that the CPIO refused to provide the information.

4. In this connection, it is stated that the appellant is part of the public authority therefore, is not eligible to seek information under the RTI Act, 2005. The Hon'ble Supreme Court of India in Civil Appeal No.6454 of 2011 held that "indiscriminate and impractical demands of directions under the RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive and it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information."

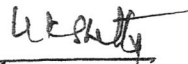
5. The Central Information Commission in case No. CIC/SA/A/2015/002028 has held that a misuse of RTI by employee will amount to misconduct and, acting under section 19(8) (a) of the RTI Act, require the public authority to take steps to proceed with disciplinary action for his misuse of RTI Act. Further holds every misuse of system like, misuse of PGMS, RTI and social media shall be considered as an item of misconduct that invite disciplinary action.

6. Further, The Central Information Commission in the cases CIC/SA/A/2014/000543 and 000652 to prohibit reckless abuser of RTI, the Commission recommended the Respondent to prepare a brief on the Appellant misuse of RTI Act about his applications and appeals besides giving the number of complaints filed by him and attach this order that note which shall be displayed at prominent place in the office and put on official website under the heading of misuse of RTI Act.

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7. Due to Winter Session, 2023 of Parliament the officers were engaged, therefore, the appeal could not be decided within the prescribed time limit and is decided within extended period admissible under section 19 (6) of RTI Act, 2005.

8. Accordingly, the appeal is dismissed.

  
(Udaya Kumara)

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ADDITIONAL SECRETARY AND FIRST APPELLATE AUTHORITY  
MINISTRY OF LAW AND JUSTICE, LEGISLATIVE DEPARTMENT

Shastri Bhawan, New Delhi,  
Dated, the 4<sup>th</sup> January, 2024

Appeal Case No.59 (LEGIS/R/E/23/00302)  
IN THE MATTER OF :  
Shri Partha Pratim Bhattacharya,  
B-202, Gateway Towers, Plot No.24,  
Sector-4, Vaishali, NCR Distt. Ghaziabad,  
Uttar Pradesh-201010.

.....Appellant

v.  
Central Public Information Officer,  
Ministry of Law and Justice,  
Legislative Department,  
Shastri Bhawan, New Delhi.

.....Respondent

ORDER

This is an appeal dated 14.11.2023 filed by Shri Partha Pratim Bhattacharya (received in this Department on 28.11.2023) under section 19 (1) of the Right to Information Act, 2005 (the RTI Act) with respect to his online RTI application dated 26.9.2023.

2. I have perused the RTI application of Shri Partha Pratim Bhattacharya and his RTI appeal as well as other material available on record. That the appellant had filed the online RTI application dated 26.9.2023 seeking information on the following, namely:-

- (i) my application dated 13.11.2019 addressed to the then Additional Secretary (Dr. Reeta Vasishtha) and faxed over official e-mail recipient with noting, endorsements, etc. thereon and in connection therewith;
- (ii) my submission dated 13.10.2020 forwarded in compliance of direction dated 8.10.2020 of JS & LC, OL Wing, sent in hard form signed in original;
  - having relevance, inter alia, with F.No.2(1)(i)/West Bengal/Const./99-Leg.II alongwith endorsement (if any) thereon and note sheet, etc.

3. The CPIO, Legislative Department informed the appellant online on 17.10.2023 that the information sought by the appellant is accessible to him being a Bengali Language Officer in Regional Languages Unit. However, the appellant has filed this instant appeal stating that the CPIO refused to provide the information.

4. In this connection, it is stated that the appellant is part of the public authority therefore, is not eligible to seek information under the RTI Act, 2005. The Hon'ble Supreme Court of India in Civil Appeal No.6454 of 2011 held that "indiscriminate and impractical demands of directions under the RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive and it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information."

5. The Central Information Commission in case No.CIC/SA/A/2015/002028, has held that a misuse of RTI by employee will amount to misconduct and, acting under section 19(8) (a) of the RTI Act, require the public authority to take steps to proceed with disciplinary action for his misuse of RTI Act. Further holds every misuse of system like, misuse of PGMS, RTI and social media shall be considered as an item of misconduct that invite disciplinary action.

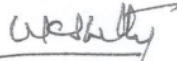
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Appellant misuse of RTI Act about his applications and appeals besides giving the number of complaints filed by him and attach this order that note which shall be displayed at prominent place in the office and put on official website under the heading of misuse of RTI Act.

7. Due to Winter Session, 2023 of Parliament the officers were engaged, therefore, the appeal could not be decided within the prescribed time limit and is decided within extended period admissible under section 19 (6) of RTI Act, 2005.

8. Accordingly, the appeal is dismissed.



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