

CENTRAL INFORMATION COMMISSION
Block IV, Old JNU Campus, New Delhi-110067

Appeal No.ICPB/A-15/CIC/2006
April 13, 2006

In the matter of Right to Information Act, 2005 - Section 19

Name of the Appellant : Shri Ravi Kumar, Artist-cum-Photographer,
Central Coffee Research Institute.

Name of Public Authority: Coffee Board, Bangalore.

DECISION

Facts of the Case :

By an application dated 21.11.2005, the appellant sought for certain information relating to the file on repairs carried out to a Board's van in 1997 and the appointment of one Shri T.V. Neelakantan, Hindi Translator, as officiating PRO in 2005. He has alleged that while officiating as the PRO earlier in 1997, Shri Neelakantan had cheated the Coffee Board to the tune of Rs.1.26 lakhs on the pretext of repairing a Board's van without following any administrative and financial formalities and that a vigilance enquiry was conducted in connection with the same. He has also questioned as to how the same person has once again been appointed to officiate as the PRO in 2005. The CPIO had furnished copies in respect of the reports in relation to the repairs to the van as also the entire note sheet of the relevant file. However, in relation to certain queries in connection with the same, and also on the appointment of Shri Neelakantan as the PRO, the CPIO has informed the appellant that the information was not available in the file or in any material form.

Aggrieved with the information furnished as incomplete/indistinct and suppressive, the appellant filed an appeal before the appellate authority – the Chairman of Coffee Board. In a well reasoned and detailed decision, the appellate authority has held that the CPIO had furnished those information which were available in file and that he had correctly informed the appellant that other information that was sought for was not available in material form as they were not available in file and as such the CPIO had not suppressed or withheld any information. The appellate authority had based his decision on the definition of "Information" in Section 2(f). Since the appellate authority found that there was a note available regarding change of the then existing PRO and appointment of Shri Neelakantan as PRO, he had directed the CPIO to furnish a copy of the same to the appellant.

Grounds of Appeal:

In his present appeal before the Commission, the appellant has submitted that he desired to know whether any disciplinary action was proposed against Shri Neelakantan and the probable time required for any action but the appellant authority has held that if the information the citizen wants to have is not available in any material form with the public authority and the information sought is in the nature of the opinion of the authorities concerned about the future course of action, the same is not under section 2(f) of the Right to Information Act.

Commission's Decision:

The main grievance of the appellant is that no disciplinary action was taken against Shri Neelakantan even though enquiry was conducted against him and he has now been again appointed as the PRO overlooking seniority of others. In the decision of the appellate authority, it is stated that the case relating to repairs to the van had been closed as early as in 1997 after detailed enquiry and the copies of the note sheets given to the appellant reflect the same. In regard to the post of PRO, it is stated that this post is not a promotion post and there is no feeder cadre. He has also directed the CPIO to give a copy of the note on appointment of Shri Neelakantan as PRO. In so far as the proposed disciplinary action is concerned, I concur with the interpretation of the appellate authority that information relating to future course of action which is not in any material form is not "information" within the definition of "information" in Section 2(f).

Since I find that all information which are available in file have been given to the appellant, I dismiss this appeal.

Let a copy of this decision be sent to the appellant and CPIO.

Sd/-
(Padma Balasubramanian)
Information Commissioner

Authenticated true copy:

(Prem K. Gera)
Registrar

Address of parties :

1. Shri R. Ravikumar, Artist-cum-Photographer, Central Coffee Research Institute, Coffee Research Station P.O. Chikmangalur District, Karnataka.
2. Shri G.V. Krishna Rau, IAS, Chairman, Coffee Board, Bangalore-560001.