

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

द्वितीय अपील संख्या / Second Appeal No.:- [REDACTED]

[REDACTED]

....अपीलकर्ता/Appellant

VERSUS

बनाम

CPIO
M/o. Railways,
Sr. Dcm&Pio,
Northern Railway,
Drm's Office, Commercial Department,
Hazratganj, Lucknow Division, Lucknow, UP-226001

प्रतिवादीगण /Respondent

Date of Hearing : 25.07.2023
Date of Decision : 27.07.2023

Date of RTI application	28.06.2022
CPIO's response	12.07.2022
Date of the First Appeal	16.07.2022
First Appellate Authority's response	27.07.2022
Date of diarized receipt of Appeal by the Commission	14.12.2022

ORDER

FACTS

The Appellant vide his RTI application sought information on points, as under:-

1. In the month of May 2022, how many seats were allotted or number of passengers travelled under VIP Quota/Emergency Quota in Sleeper, 3AC, 2AC, 1AC in Mahanagari Express. (Kindly provide proper day wise categorisation of allotted seats).

2. Kindly provide the designation of each traveller travelled under VIP Quota/Emergency Quota in Mahanagari Express in the month of May 2022 in each class (Sleeper, 3AC, 2AC, 1 AC). (Kindly provide proper day wise categorisation).

The CPIO, Northern Railway, vide letter dated 12.07.2022 furnished a reply to the Appellant. Dissatisfied with the reply received from the CPIO, the Appellant filed a First Appeal. The FAA vide order dated 27.07.2022 observed that the information has been furnished and upheld the reply of CPIO.

Thereafter, the Appellant filed a Second Appeal before the Commission.

HEARING:

Facts emerging during the hearing:

The following were present:

Appellant: [REDACTED]

Respondent: Mr. Om Prakash Shersingh, ACM, attended the hearing.

The Appellant's Advocate while reiterating the contents of the RTI Application stated that he had sought information regarding number of VIPs seats and people with their designation who travelled in the mentioned Mahanagri Express no. 22178 etc. He submitted that an improper reply was furnished by the Respondent which could not fulfill his purpose. He strongly objected against the invocation of Section 8(1) (j) of the RTI Act by the CPIO in the matter and argued that he does not agree that the information sought can be denied on such grounds as he has sought only the numbers and along with designations to be provided in point 2 and that it does not breach any privacy under 8(1)(j) of the RTI Act, 2005. While deposing in the hearing, he stated that the Department wilfully and deliberately misled and hid information and requested the Commission to direct the public authority to furnish satisfactory information.

The Respondent while defending their case inter alia submitted that under 8(1)(j) the private information cannot be furnished to any third party and the information sought is voluminous in nature and it would be of no relevance in asking a whole month's information and also it is not in larger public interest. He further said that if the appellant seeks information regarding a particular date it would be easy to provide. The Appellant contending his argument state that he is not seeking the total allotted seats but the confirmed seats. The respondent then stated that this information is not stored digitally but the allocation is done, as per hierarchy, through paperwork after the application is received. He said all the information is sorted physically. In response, the Appellant scaled down his demand and sought data for the first week of May 2022.

DECISION:

The Commission after adverting to the facts and circumstances of the case, the submission made by both the parties and perusal of records, observes that an appropriate reply has not been furnished by the CPIO as per the provisions of the RTI Act, 2005. Therefore, the Commission directs the Respondent to give a point-wise reply for the First week of May 2022. On point 2, not

the names but only designations are to be provided to the Appellant, in accordance with the spirit of transparency and accountability as enshrined in the RTI Act, 2005 within a period of 21 days from the date of receipt of this order under the intimation to the Commission. For the redressal of his grievance, if any, the Appellant may approach an appropriate forum.

The Appeal stands disposed of accordingly.

(Uday Mahurkar) (उदय माहूरकर)
(Information Commissioner) (सूचना आयुक्त)

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(अभिप्रमाणित एवं सत्यापित प्रति)

(R. K. Rao) (आर.के. राव)
(Dy. Registrar) (उप-पंजीयक)
011-26182598 / drtoic8@cic.nic.in
दिनांक / Date: 27.07.2023

