



**STATE INFORMATION COMMISSION, HARYANA**  
**SCO NO. 70-71, SECTOR 8-C, CHANDIGARH**  
**APPEAL CASES NO. 2591 OF 2022**  
**RIGHT TO INFORMATION ACT-UNDER SECTION 19**

Relevant facts emerging from the appeal

Name of the appellant	Shri Ashok Kumar, JBT Teacher, r/o Village & Post Office Khaleta, Tehsil & District Rewari-123103 (Haryana).
Name of the Respondents	1. State Public Information Officer-cum-Divisional Forest Officer, Forest Complex, Krishna Nagar, Rewari-123401 (Haryana). 2. First Appellate Authority (FAA)-cum-Conservator of Forests, South Circle, Forest Complex, Sohna Road, Gurugram (Haryana).
RTI-application filed on	12.11.2021
Respondent SPIO replied on	27.01.2022
First appeal filed on	21.12.2021
FAA decided the appeal on	Not decided
2 <sup>nd</sup> appeal filed on	13.02.2022
Date of hearing	<b>16.06.2022 at 12.00 Noon.</b>
State Chief Information Commissioner	<b>Shri Vijai Vardhan, IAS (Retd.)</b>
Present	1. None on behalf of the appellant. 2. None on behalf of the respondent SPIO.

This case came up for hearing before the Commission on the ground that the solicited information has not been furnished by the respondent SPIO.

2. Letter dated 03.05.2022 has been received from Shri Ashok Kumar, appellant, vide which he has requested the Commission that Shri Subhash Chand Sharma, Senior Advocate, District Courts, Rewari, may be allowed to appear before the Commission in this appeal case on his behalf. The Commission observed that the appellant's Appeal Cases No.2094 & No.2095 of 2022 having similar facts were heard/adjudicated on 24.05.2022. The averments of Shri Subhash Chander Sharma, Senior

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Advocate, were heard over the telephone by noting his submissions for consideration on that day. Those submissions are considered in the instant case also. He had stated that Shri Ashok Kumar, appellant, is a JBT Teacher and presently posted in Government Primary School, Chandwas, District Rewari. He had sent his complaints dated 05.11.2021, by Registered Post, to the Conservator of Forests, South Range, Gurugram, Principal Chief Conservator of Forests, Haryana, Panchkula, and Deputy Commissioner, Rewari, for taking action against accused Suresh Kumar and Head Master/School Head, Government Middle School, Chandwas, District Rewari under the Forest Act for allegedly cutting green trees situated within the premises of the said School by accused Suresh Kumar in connivance with Head Master/Head of the said School. The appellant had filed an RTI application dated 12.11.2021 with the respondent SPIO soliciting one point (with six sub points information). The solicited information included certified copies of all his e-mails/reminders dated 14.12.2019, 08.08.2020, 30.11.2020, 09.03.2021, 28.08.2021, 23.10.2021 and 06.11.2021 alongwith file notings, certified copy of his Second Appeal filed on 12.09.2021 with the State Information Commission, Haryana, and other related information. The appellant has stated that the solicited information has not been furnished by the respondent SPIO despite filing of appeal with the FAA. He has prayed for the Commission's directions to the respondent SPIO to furnish the solicited information to him qua his RTI application dated 12.11.2021, free of cost. He further prayed to initiate penal action under Section 20(1) of the RTI Act against the respondent SPIO for delay in furnishing the same to the appellant and to award a compensation of ₹30,000/- to the appellant for the detriment suffered by him.



3. Neither the respondent SPIO nor his representative has appeared before the Commission today nor any intimation regarding his non-appearance has been received from him. He is advised not to absent himself from hearing without the prior permission of the Commission in future. However, the SPIO-cum-Superintendent, o/o the Conservator of Forests, South Range, Gurugram, has submitted comments vide letter No.1137 dated 15.06.2022 and the same are taken on record for consideration. The respondent SPIO has stated that the appellant's RTI application was received on 17.11.2021 and the same was transferred under Section 6(3) of the RTI Act to the SPIO-cum-Divisional Forest Officer, Rewari, for furnishing the solicited information directly to the appellant, as per provisions of the RTI Act. He has further stated that point-wise solicited information (contained in 77 pages) has been duly furnished to the appellant vide letter No.4069 dated 27.01.2022 by the FAA-cum-Conservator of Forest, South Range, Gurugram. The respondent SPIO has further stated that the e-mail ID [gm.gurugaon@hfdc.gov.in](mailto:gm.gurugaon@hfdc.gov.in) and [dfogurgaon1@gmail.com](mailto:dfogurgaon1@gmail.com) mentioned in the Commission's notice does not relate to their office and hence the Commission's notice had not been received in his office. The Commission's notice was received on 15.06.2022 on WhatsApp. He stated that their official e-mail ID is [cf.gurgaon@gmail.com](mailto:cf.gurgaon@gmail.com) and has requested that the same may kindly be corrected in the records of the Commission. He prayed that the cases may kindly be filed.

4. The appellant had filed First Appeal dated 21.12.2021 with the FAA-cum-Conservator of Forests, South Circle, Gurugram. There is nothing

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on record to show that the FAA has disposed of the appeal by passing a speaking order after affording an opportunity of hearing to the parties.

5. The Commission has heard carefully perused the record of the case file alongwith the grounds and the contents of the appellant's Second Appeal. Information sought by the appellant and furnished by the respondent SPIO was also duly examined. The comments submitted by the SPIO-cum-Superintendent, o/o Conservator of Forests, South Circle, Gurugram, were also duly considered. A bare perusal of the RTI application reveals that the appellant is soliciting certified copies of all his complaints, e-mails, reminders sent to the quarter concerned by post and by e-mail alongwith orders of his Second Appeal dated 12.09.2019, action taken thereupon, etc. The Commission has also perused the judgement dated 17.09.2014 of the Hon'ble Madras High Court passed in Writ Petition No.26781 of 2013 titled as the Public Information Officer, Office of the Registrar (Administration), High Court, Madras Vs. the Central Information Commission. The Hon'ble Madras High Court has held that the appellant is not entitled to obtain copies of documents filed by him with the Public Authority. The Hon'ble High Court of Madras has held that:

"The copies of complaints and appeals submitted by an appellant are not the information available within the knowledge of the public authority. Admittedly, they are the documents of the appellant and therefore, if the appellant does not have copies of the same, he has to blame himself and he cannot seek those details as a matter of right. Further, those documents cannot be brought under the definition 'information' as defined under Section 2(f) of the RTI Act."



In view of the above judgement, the Commission refrains from passing any directions to the respondent SPIO to furnish certified copies of the appellant's original complaints/documents/e-mails. However, point-wise solicited information (contained in 77 pages) has been furnished to the appellant by the FAA-cum-Conservator of Forests, South Range, Gurugram, vide letter No.4069 dated 29.01.2022 prior to filing his Second Appeal before the Commission on 13.02.2022. He has not pointed out any deficiency in the furnished information. However, in the interest of justice, the Commission affords an opportunity to the appellant to inspect the relevant record of the respondent public authority pertaining to his RTI application dated 12.11.2021 on any working day in the office of the respondent SPIO by giving him three days prior notice in this regard, within fifteen days of receipt of this order and obtain certified copies of the identified documents, free of cost, as per provisions of the RTI Act. The respondent SPIO is directed to offer the relevant permissible record to the appellant for inspection pertaining to RTI application dated 12.11.2021 in his office on receipt of his written request in this behalf and furnish certified copies of the identified documents, free of cost, to him subsequent to inspection under intimation to the Commission.

6. The Commission further noted that the appellant has a grievance that action has not been taken by the respondent public authority against the accused Suresh Kumar and Head Master/School Head, Government Middle School, Chandwas, District Rewari under the Forest Act for falling green trees within the premises of Government Middle School, Chandwas, District Rewari by accused Kumar in connivance with Head Master/Head, Government Middle School, Chandwas. The

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Commission observes that this is not the proper forum to redress this grievance. He may take up the matter at the appropriate level of the public authority.

7. The Commission further noted that the FAA has not decided the appellant's First Appeal dated 21.12.2021 filed with him. The Commission observes that the designated FAA has a significant quasi judicial responsibility to be discharged as per provisions of the RTI Act, 2005 and has a vital role to play. As a quasi judicial authority, he has to observe and decide as to whether information has been furnished by the respondent SPIO to the appellant as per provisions of the RTI Act. He is advised to ensure that all RTI appeals received by him are decided by him in future by passing a detailed speaking order within the time provided under Section 19(6) of the RTI Act after affording an opportunity of hearing to the parties by giving sufficient time of appearance. In case the appellant does not appear before the FAA when his appeal is being heard even after the service of the notice, the matter should be decided on merits of the case.

8. In view of the above findings, the appeal is disposed of accordingly.

Announced. To be communicated.

(Vijai Vardhan)

State Chief Information Commissioner,  
Haryana.

Place : Chandigarh.  
Dated : 16.06.2022.