

EAST COAST RAILWAY



प्रधान मुख्य कार्मिक अधिकारी का कार्यालय/
Office of the Principal Chief Personnel Officer
रेल सदन, द्वितीय तल, भुवनेश्वर- 751017
Rail Sadan, IInd Floor, Bhubaneswar-751017

स्थापना क्रमांक/Estt. Srl. No. 15/2022
पूतरे/कार्मिक/आर/ECOR/Pers/R/RTI

Non-RBE
Date: 27.01.2022

सेवा मे,

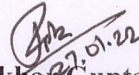
सभी प्रमुख विभागाध्यक्षों/समन्वयक विभागाध्यक्षों, पूतरे/भुवनेश्वर
मं.रे.प्र/व.मं.का.अधिकारी/मं.का.अधिकारी-खोरधा रोड, बालतेरू, संबलपुर,
मु.कारखाना प्रबंधक/कारखाना कार्मिक अधिकारी- मंचेश्वर, अतिरिक्त रजिस्ट्रार/रेल दावा अधिकरण,
उ.मु.का अधिकारी(नि.)/भुवनेश्वर
महासचिव/इकोर श्र. कां., महासचिव/इकोर श्र. यू.,
महासचिव/एआईओबीसीआरईए, महासचिव/ एआईएससीएसटीआरईए

Sub: Disposal of first appeals under RTI Act, 2005.

उपर्युक्त विषय पर रेलवे बोर्ड पत्र सं. 2021/RB/RTI/Appeal Guidelines दिनांक 02.12.2021 की प्रतिलिपि सूचना, मार्गदर्शन एवं आवश्यक कार्रवाई हेतु अग्रेषित है।

A copy of Railway Board's letter No. 2021/RB/RTI/Appeal Guidelines dated 02.12.2021 on the above quoted subject is forwarded herewith for information, guidance and necessary action.

Encl: As above,


(Prakhar Gupta)

Dy. Chief Personnel Officer (HQ)
For Principal Chief Personnel Officer.

प्रतिलिपिप्रेषित/Copy to :

- 1) महाप्रबंधक के सचिव/पूर्व तट रेलवे, भुवनेश्वर
- 2) उप म.प्र., मुकाधि/मुकाधि(प्रशा.), मुकाधि(औ.सं.एवं कल्याण)
- 3) अध्यक्ष(रेलवे भर्ती प्रकोष्ठ), उप मुख्य प्रबंधक(सू.प्रौ),
- 4) मुकाधि के निजी सचिव/सहा.कार्मिक अधि.(I/बिल),

GOVERNMENT OF INDIA (भारत सरकार)
MINISTRY OF RAILWAYS (रेल मंत्रालय)
(RAILWAY BOARD)

ER 05/22

No. 2021/RB/RTI/Appeal Guidelines

New Delhi, dated 02.12.2021

The General Managers, All Zonal Railways.
The General Managers, All Production Units.
The Chairman & Managing Directors, All Public Sector Undertakings.
The Chairman, All RRBs.

Sub:- Disposal of first appeals under RTI Act, 2005.

Ref:- DoP&T's O.M. No. 10/23/2007-IR Dated 09.07.2007.

Please find enclosed a copy of the guidelines issued by Department of Personnel and Training on the above subject. Vide the above mentioned O.M., attention has been drawn to the provisions contained in section-19 of the Right to Information Act, 2005, which is as under-

1. As per section 19 (6) of RTI act, the First Appellate Authority (FAA) should dispose off the Appeal within 30 days of the receipt of the appeal. In exceptional cases, the FAA may take 45 days to dispose off the appeal. If in some exceptional cases, it is not possible to dispose off the appeal 30 days; its disposal should take more than 45 days. In such case, the FAA should record, in writing, the reasons for not deciding the appeal within 30 days,
2. Deciding appeals under the RTI act is a quasi-judicial function. The FAA should see to it that justice is not only done but it should also appear to have done. In order to do so, the order passed by FAA should be a speaking order giving justification for the decision arrived at.
3. If an appellate authority come to a conclusion that the appellant should be supplied information in addition to what has been supplied to him by the CPIO, he may either (i) pass an order directing the CPIO to give such information to the appellant or (ii) he himself may give information to the appellant while disposing off the appeal. It would be, however, better if the appellate authority chooses the second course of action and he himself furnishes the information along with the order passed by him in the matter.
4. The CIC has also pointed out that some of Ministries/Departments have appointed very junior officers as appellate authorities who are not in a position to enforce their orders. Thus, the appellate authority, as per provision of the Act, would be an officer in a commanding position vis-a-vis CPIO.

Guidelines issued by DoP&T may please be circulated to all concerned officials who deal RTI/Appeal cases under your respective Zones/Divisions for proper implementation of the RTI Act, 2005.

DA:- As above.

जन सूचना अधिकारी
सहा. जन. सूचना

to be circulated
among all concerned
under RTI Act
GPO & PHODs
DMS also.

(Vivek Srivastava)
Executive Director Public Grievances
Railway Board

Copy to:- All CPIOs/FAAs, Railway Board for information and necessary action as per guidelines contained in DoP&T's O.M. referred above.

No.10/23/2007-IR
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

New Delhi, the 9th July, 2007

OFFICE MEMORANDUM

Subject: Disposal of first appeals under the RTI Act, 2005.

The undersigned is directed to say that the Central Information Commission has brought to the notice of this Department that in some cases,

- (i) The first Appellate Authorities under the Right to Information Act do not dispose off the appeals within the time frame prescribed by the Act;
- (ii) The Appellate Authorities do not examine the appeals judiciously and express their agreement with the decision of the Central Public Information Officer mechanically;
- (iii) The Central Public Information Officers do not comply with the directions of the first Appellate Authority to furnish information to the appellant.

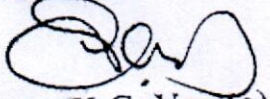
2. Section 19(6) of the RTI Act provides that the first Appellate Authority should dispose off the appeal within thirty days of the receipt of the appeal. In exceptional cases, the appellate authority may take forty five days to dispose off the appeal subject to the condition that he shall record in writing the reasons for delay in deciding the appeal. Therefore, each first appellate authority should ensure that an appeal received by him is disposed off within 30 days of the receipt of the appeal. If, in some exceptional cases, it is not possible to dispose off the appeal within 30 days, its disposal should not take more than 45 days. In such cases, the appellate authority should record, in writing, the reasons for not deciding the appeal within 30 days.

3. Deciding appeals under the RTI Act is a quasi-judicial function. It is, therefore, necessary that the appellate authority should see to it that the justice is not only done but it should also appear to have been done. In order to do so, the order passed by the appellate authority should be a speaking order giving justification for the decision arrived at.

4. If an appellate authority comes to a conclusion that the appellant should be supplied information in addition to what has been supplied to him by the CPIO, he may either (i) pass an order directing the CPIO to give such information to the appellant; or (ii) he himself may give information to the appellant while disposing off the appeal. In the first case the appellate authority should ensure that the information ordered by him to be supplied is supplied to the appellant immediately. It would, however, be better if the appellate authority chooses the second course of action and he himself furnishes the information alongwith the order passed by him in the matter.

5. The Central Information Commission has also pointed out that some of the Ministries/Departments have appointed very junior officers as appellate authorities who are not in a position to enforce their orders. The Act provides that the first appellate authority would be an officer senior in rank to the CPIO. Thus, the appellate authority, as per provisions of the Act, would be an officer in a commanding position vis-à-vis the CPIO. Nevertheless, if, in any case, the CPIO does not implement the order passed by the appellate authority and the appellate authority feels that intervention of higher authority is required to get his order implemented, he should bring the matter to the notice of the officer in the public authority competent to take against the CPIO. Such competent officer shall take necessary action so as to ensure implementation of the provisions of the RTI Act.

6. Contents of this OM may be brought to the notice of all concerned.


(K.G. Verma)
Director

To

1. All the Ministries / Departments of the Government of India
2. Union Public Service Commission/ Lok Sabha Sectt./ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission / President's Secretariat/ Vice-President's Secretariat/ Prime Minister's Office/ Planning Commission / Election Commission
3. Staff Selection Commission, CGO Complex, New Delhi
4. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
5. All officers/Desks/Sections, Department of Personnel & Training and Department of Pension & Pensioners Welfare.

Copy to: Chief Secretaries of all the States/UTs for information