**First Appeal u/s 19(1) of the Right To Information Act 2005**

*before*

**Head of office, Panchyat smiti**

**First Appellate Authority under RTI Act 2005**

*Sadulshahar 335062 Dist Sri ganganagar Rajasthan*

**Appeal Date: 10 May 2012**

**Appellant: Hans Raj Bhadu**

Enclosed is the first appeal u/s 19(1) of the RTI Act 2005 by **Hans Raj Bhadu**, against **[deemed refusal (u/s 7(2), RTI Act 2005) by CPIO OR unsatisfactory reply of CPIO OR denial of information by CPIO]**, [vide letter No. Nil dated Nil OR for/to RTI application dated 20 march 2012. Index of enclosed first appeal is as follows:

**INDEX OF FIRST APPEAL**

of **Mr. Hans Raj Bhadu** dated **10 May 2012**

|  |  |  |
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| **S. No.** | **Title** | **Pages** |
| **1** | **Index of Appeal**  | **1** |
| **2** | **Original First Appeal** | **2 -**  |
| **3** | **Chronological chart of events** |  |
| **4** | **Annexure – A: Copy of RTI Application**  |  |
| **5** | **Annexure – B: Copy of PIO Response** |  |

**Total number of pages including enclosures: \_\_\_\_\_\_\_\_\_\_\_**

**Original First Appeal is sent to FAA**

**Copy of First Appeal is sent to CPIO**

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| **Date :10 May 2012****Place: Gharsana** | **Hans Raj Bhadu** **(Appellant)** |

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| **First Appeal u/s 19(1) of the Right To Information Act 2005***before***First Appellate Authority under RTI Act 2005****c/o Head of office, Panchyat smiti***Sadulshahar 335062 Dist Sri ganganagar Rajasthan* |
| **Appeal Date: 10 May 2012** |
| **1** | **Appellant details** | **Hasns Raj Bhadu****Near SDM office New Mandi Gharsana Dist-Sriganganagar -335711** |
| **2** | **CPIO/SPIO Details** | **Public information officer****Secratory Gram panchyat ,Manniwali Block Sadulshahar** |
| **3** | **Appeal Against**  | **Deemed Refusal ( u/s 7(2) , RTI Act ) for RTI Application dated 20 march 12****CPIO/SPIO reply vide Letter No. nil dated nil Received on 10 may 12** |
| **4** | **Reason(s) for Appeal** | **Aggrieved by the response of CPIO/SPIO** **No response ( deemed refusal of Information u/s 7(2) of the RTI Act )**  |
| **5** | **Particulars of RTI application** | **Application Sent on**  | **20march 2012** |
| **Application sent by**  | **Registered post** |
| **Fee Details** | **IPO no 02 F 713129** |
| **Enclosed in Annexure A: Copy of RTI Application** |
| **6** | **Particulars of CPIO/SPIO Orders** | **CPIO / SPIO Order No.** | **Nil**  |
| **Dated** | **Nil dispatched by Speed post on 8 may 12** |
| **Received on**  | **10 may 2012** |
| **Enclosed in Annexure B: A Copy of CPIO Response** |
| **7** | **Chronological order of events** | **RTI Application Sent on**  | **20 march 12** | **Annexure – A** |
| **CPIO Response received on** | **10 may 12** | **Annexure – B**  |
| **First Appeal filed on** | **10 may 12** |  |
| **8** | **Brief facts leading to appeal of RTI application** | **Application sent to BDO sadulshar on 20 march 12****Application transferred to PIO gram panchyat manniwali on 28 march 12****Reminder sent on 30 april 12****30 days time to supply information expired on 28 april 12****Reply of PIO received on 10 may 12 stating to deposit Rs. 12000 for supplying information** |
| **9** | **Grounds for this Appeal** |
| **Information Requested** | **Information Supplied** | **Remarks** |
| **Information requested supposed to be supplied in 30 days** | **No information in 30 days** | **Supply information free of cost** |
|  |  |  |
| **10** | **Additional Information in support of Appeal** |  |
| **11** | **Prayer/relief sought for** | * 1. **Instruct the PIO, in writing, to give complete information as requested in my above mentioned RTI Application.**
	2. **Now that the rest of the information will be provided after the mandated 30 days time period, it should be “free of charge” as per sec 7(6) of the RTI Act.**
	3. **[ IN CASE OF 7(2) ] Issue a written warning to the PIO, under the present Rules and Regulations of Service, instructing him that he should adhere to the time limits specified in the RTI Act 2005 as well as respect the RTI Act in its letter and spirit.**
	4. **Inform the concerned PIO that the appellant will move a Second Appeal before the SIC/CIC under Section 19(3) and will demand imposition of Penalty under Section 20 of the RTI Act, at the rate of Rs. 250.00 for every day of delay (subject to a maximum of Rs. 25,000.00) from the date the information was due till the date the information is actually given to me.**
	5. **As per Sec 19(5) of the RTI Act 2005, during the appeal proceedings, the PIO, should be asked to explain his [ “deemed”] denial of request for information, since the onus to prove that the denial of request was justified, is on the PIO.**
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| **12** | **Presence for Hearing** | **Audio conference / Video conference** |
| **13** | **Special Note** | Your attention is drawn to the contents of the Office Memorandum No. 1/3/2008-IR, dated 25 April 2008, issued by DoPT, titled **“Guidelines for the Officers designated as First Appellate Authorities under the RTI Act 2005”**, the relevant excerpts are quoted for your ready reference below:38. 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.………………….………………….40. 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 along with the order passed by him in the matter. |
| **14** | **Verification**  | **I hereby state that the information and particulars given above are true to the best of my knowledge and belief.** |
| **15** | **Signature of Appellant** | **Date :10 May 2012****Place: Gharsana** | **Hans raj Bhadu****( Appellant )** |
| **16** | **Enclosures(s)** | 1. **Index of Appeal**
2. **Chronological Chart of Events**
3. **Annexure – A: Copy of RTI Application**
4. **Annexure – B: Copy of CPIO Response**
5. **Annexure –C: Reminder to PIO**
6. **Annexure – D: Letter of transfer of application to PIO**
 |
| **17** | **COPY TO** | **PIO ,Secretary Gram panchyat Manniwali** |

**Total number of pages including enclosures: \_\_\_\_\_\_\_\_\_\_\_**

**Original First Appeal is sent to FAA**

**Copy of First Appeal is sent to CPIO**

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| **Date :****Place: XXXXX** | **XXXXXX** **(Appellant)** |

**CHRONOLOGICAL CHART OF EVENTS**

**of Mr. Hans Raj Bhadu dated 10 May 2012**

|  |  |  |
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| **S. No.** | **Event** | **Date** |
| **1** | **RTI Application sent on** **Transferred to PIO Gram panchyat Manniwali**  | **20 march 2012****28 march 2012** |
| **3** | **PIO Response received on**  | **10 may 2012** |
| **4** | **First Appeal filed on**  | **10 may 2012** |