

BEFORE THE APPELLATE AUTHORITY
(Under the Right to Information Act, 2005)
INDIA GOVERNMENT MINT
(A Unit of SPMCIL)
IDA.Phase.II, HCL Post, Cherlapally, Hyderabad – 500 051

First Appeal No. IGMHY/A/E/21/00001 dated 24.05.2021.

Kumar Shekhar	:	Appellant
	Vs.	
CPIO(HR), IGMH, Hyderabad	:	Respondent

ORDER

1. The appellant filed an RTI application under the Right to Information Act, 2005 (“RTI Act”) through the RTI MIS Portal bearing Registration No: IGMHY/R/E/21/00030 on 06.05.2021. The respondent disposed of the request vide his RTI reply dated May 08th, 2021 to the appellant via RTI-MIS Portal. The appellant filed the present appeal dated May 24th, 2021 against the above response. I have carefully considered the applications, the responses and the Appeals and find that the matter can be decided based on the material available on record.
2. From the Appeals, I note that the appellant is aggrieved by the respondent’s response to his application.

3. **Queries in the application:**

Sl No.	Date & Reg.No. of Application	Information sought
1	IGMHY/R/E/21/00030 on 06.05.2021	Please provide the answer to the following queries. 1. what is no of candidates who applied for the post of supervisor (IT) category-wise as per notification no 01/2021. 2. what is no of candidates who applied for the post of supervisor (TECHNICAL CONTROL) category-wise as per notification no 01/2021.

4. The respondent provided the information to the appellant well within the prescribed period of time as per the provisions contained in the RTI Act, 2005.
5. **Grounds in both the Appeals –** The appellant raised the appeal on the ground of “*Details not provided.*” And stated as below in the appeals:

“Sir, as per the previous rti no, IGMHY/R/E/21/00030, I had requested some information regarding notification SPP/HR/Recruitment/2020-21/5562 wide notification no 01/2021. For this, please find the detailed advertisement herewith attached. Sir, please verify the advertisement whether is from Smpcil Hyderabad or SPP Hyderabad. If yes then, please respond as per the above-mentioned RTI. Thank you.”

- 6 I note that the appellant in his RTI application had sought the details regarding the number of candidates who had applied for the post of Supervisor(IT) & Supervisor(Technical Control) against Advt.No.01/2021. Further, it is also noted that the respondent CPIO in his reply has stated that the Public Authority has not published any notification bearing No.01/2021 for the posts of Supervisor(IT) or Supervisor (Technical Control) and that the CPIO is unable to transfer the application to any other Public Authority/CPIO as the request is not clear regarding the organisation that published the said advertisement. Hence, it was stated in the reply that the information relating to the same cannot be provided.
7. Further, I also note that the appellant vide the present appeal has submitted that as per his original RTI application bearing Reg.No: IGMHY/R/E/21/00030, he had sought information regarding notification SPP/HR/Recruitment/2020-21/5562 vide notification no 01/2021. In pursuance to the same, the requisite advertisement was also attached and a request was made to verify the advertisement whether it is from SPMCIL Hyderabad or SPP Hyderabad. Further, it was also requested to respond as per the above-mentioned RTI.
- 8 Considering the contentions of the Appellant, perusing the material available on record, the following points are arising for consideration is:
- A) Whether the grounds raised by the Appellant against the respondent CPIO that the details are not provided is correct ?**
- B) Whether the Appellant/Applicant's request to verify the advertisement by whom it was issued and thereafter provide requisite information is tenable?**
9. The above points standing for consideration of the FAA is dealt as below:
- A) Whether the grounds raised by the Appellant against the respondent CPIO did not provide the details is correct?**

It is observed that the appellant in his RTI application originally had only sought the details regarding the number of candidates who had applied for the post of Supervisor(IT) & Supervisor(Technical Control) against Advt.No.01/2021. In response to the same, the respondent CPIO has stated that the Public Authority has not published any notification bearing No.01/2021 for the posts of Supervisor (IT) or Supervisor (Technical Control) and that the he is unable to transfer the application to any other Public Authority/CPIO as the request is not clear regarding the organisation that published the said advertisement. Further, it was stated in the reply that the information relating to the same cannot be provided.

On perusal of the query and its response, it appears that the information provided by the respondent CPIO is proper as in the absence of any recruitment notification by the Public Authority any information sought in this regard is bound to be replied in the same sense as was done by the respondent. It is apropos here to note that the CPIO has also informed in his reply that he is unable to transfer the application to any other Public Authority as the request was not clear as to the organisation which published the advertisement. The said reply is in consonance with the provisions contained in the RTI

Act, 2005. In this regard, the notice of the applicant is hereby being brought to the fact that under the provisions of the RTI Act, 2005, only such information as is available and existing and held by the public authority or is under control of the public authority can be provided. The PIO is not supposed to create information that is not a part of the record.

B) Whether the Appellant/Applicant's request to verify the advertisement by whom it was issued and thereafter provide requisite information is tenable?

The word information is defined as under in Section 2(f) of the RTI Act, 2005;

“information” means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;

It is observed that the appellant is trying to seek clarifications in the garb of information. Under the provisions of the RTI Act, 2005 the respondent authority is not mandated to give views/ clarifications/interpretation/opinion but provide information available with it or under its control while keeping the provisions of the RTI Act, 2005 in view. . The FAA hereby refers to the Hon'ble Supreme Court decision in 2011 (8) SCC 497 (CBSE Vs. Aditya Bandopadhyay), wherein it was held as under:

35..... “It is also not required to provide ‘advice’ or ‘opinion’ to an applicant, nor required to obtain and furnish any ‘opinion’ or ‘advice’ to an applicant. The reference to ‘opinion’ or ‘advice’ in the definition of ‘information’ in section 2(f) of the Act, only refers to such material available in the records of the public authority. Many public authorities have, as a public relation exercise, provide advice, guidance and opinion to the citizens. But that is purely voluntary and should not be confused with any obligation under the RTI Act.”

Further, I note that the Appellant had sought one set of information vide his RTI application dated 06.05.2021 and has laid out additional facts before the FAA and has been seeking his views/clarification vide the present first appeal. As such, as per the provisions contained in the RTI Act-2005, when an appellant raises an appeal the appellate authority under Section 19 has to consider the appeal keeping in account the request made in the RTI Application and reply of the CPIO. However, the present appeal seeks certain additional information. Even, the common law principles state that the main purpose of an appeal is to review the decisions made at the lower level authority. Thus, the appellate authority can only review the request sought and information provided by the respondent CPIO and can in no way consider any other request seeking new information at this stage by providing additional set of facts.

On perusal of the relevant records tendered by the Appellant to the undersigned through his Appeal it is understood that the said RTI request is regarding an advertisement for different posts by Security Printing Press, Hyderabad. If the same has been mentioned by the Applicant in his original application, the CPIO would have transferred it to the concerned Public Authority. As stated *ibid*, the Appellate Authority during the Appellate proceedings can only consider the original RTI Application and its reply and there is no bounden duty imposed by the statute to consider new facts.

However, in the interests of justice and in furtherance of the RTI Act a copy of this order along with the original RTI & Appeal is being forwarded to the CPIO, Security Printing Press, Hyderabad for consideration of the case as per merits. Nonetheless, it is made clear to the appellant that CPIO, SPP, Hyderabad is not bound by the orders of this authority..

10. In exercise of the powers, conferred upon the Appellate Authority under Section 19(6) of Right to Information Act, 2005, the appellate authority finds no reason to interfere with the responses provided by the respondent CPIO .

11. **With the above observations the Appeal stands disposed.**

The decision can be appealed against to CIC within a period of 90 days at below mentioned address or through the online RTI portal.

**Central Information Commission,
CIC Bhawan,
Baba Ganganath Marg,
Munirka, New Delhi – 110 067.**

Place: Hyderabad

Date: May 25th, 2020

F.No. HD/IGM/SPMCIL/RTI/19-IGM-APPEAL/379



(Jyoti Prakash Dash)

**APPELLATE AUTHORITY &
CHIEF GENERAL MANAGER**

**To,
Shri.Kumar Shekhar,**

Copy To:

The CPIO, Security Printing Press (A Unit of Security Printing & Minting Corporation of India) Ltd.,
Mint Compound, Saifabad, Hyderabad – 500 063 with a request to peruse Para 9(b) of the above order and consider the case as per merits.