

Appeal No.	Name	RTI Application No.	Appeal Text and Order
GICOI/A/P/20/00001	Anand Kumar Mishra	GICOI/R/E/20/00002	<p>The Appellant has filed Appeal dated 01.04.2020 to the Appellate Authority on his dissatisfaction over the reply dated 29.01.2020 of the CPIO against his RTI Application dated 11.01.2020.</p> <p>The hearing of Appeal was scheduled at 11:00 A.M. on 27th April 2020. The Appellant and the CPIO were intimated to participate in the hearing vide email dated 09th April 2020. In consideration of the ongoing COVID crisis; both the parties were summoned for Appeal hearing over telephone only. The Appellant and the CPIO, GIC Mr. Sachindra Salvi, participated in the hearing.</p> <p>ORDER</p> <p>The RTI Application dated 11.01.2020, CPIO's Reply dated 29.01.2020 and the Memo of Appeal dated 01.04.2020 are perused.</p> <p>During the hearing, the Memo of Appeal was read out to CPIO and was asked for the response on the grounds raised in the Appeal. The CPIO, GIC has given explanation/response to the grounds raised in Appeal.</p> <p>Appellant Contentions, Grounds for Appeal & Prayer:</p> <p>Ground for Appeal: I have not received concrete reply.</p> <p>Text of RTI First Appeal:</p> <p>Please provide detailed bifurcation for charging FLEXA rate 0.68 per Mille for Cement Industry or provide name of other authority who can give this details</p> <p>FAA:</p> <p>It is observed that the Appellant seeks response to the query raised in RTI Application dated 11.01.2020 and therefore, repeats the same query along with details of appropriate public authority.</p> <p>The First Appellate Authority hereby asks the CPIO to give a point wise response.</p> <p>Contentions of CPIO:</p> <p>CPIO reiterates that GIC Re provides reinsurance support to insurance companies engaged in insurance business and has no role in deciding the insurance premium rates for insurance companies.</p> <p>For the sake of convenience if we divide the contents of Appeal into two parts. In the first part of Appeal, the same query was sought which was sought in the Application. The query of Appellant w.r.t FLEXA rate for Cement Industries is a subject matter of direct insurance premium and not reinsurance premium . The Insurance Company decides the price to be charged for each policy.</p> <p>In the second part of Appeal, the Appellant asked the name of other authority who can give these details. In this regard, it is humbly submitted that it is a new set of information sought in the Appeal stage and therefore not tenable. However, in the spirit of the RTI Act, it is submitted that, the information may be sought by Appellant from his Direct Insurer.</p>

			<p>FAA:</p> <p>On speaking to the Appellant it's understood that his concern has been that he desires to know how the price for Cement Industry has been fixed. He was explained that fixing prices are the prerogative of Direct Insurers and that he should approach the Direct Insurer for the details.</p> <p>FAA concurs with CPIOs contentions and cannot go without mentioning the following judgments of CIC. In the Second Appeal before CIC in R.S.Gupta v. LG Office (CIC/SA/A/2016/001483), CIC quoted and reasoned that –</p> <p>“RTI Act, 2005 is silent on what to do when a public authority receives request for information not concerning with or not in its control.”</p> <p>Full Bench of the hon'ble CIC in Ketan Kantilal Modi vs Central Board of Excise and Customs (CIC/AT/A/2008/01280) elaborately discussed the above question.</p> <p><i>“49. The expression “concerned public authority” implies that, that public authority should be holding the information which the petitioner sought as per Section 2(j) of the RTI Act, which states that right to information means “the right to information accessible under this Act which is held by or under the control of any public authority.”. Section 6 (1) its expression ‘concerned public authority’ –becomes clearer when read in conjunction with Section 2(j) of the Act.</i></p> <p><i>50. According to the Appellate Authority, an application, which is not filed before the ‘concerned public authority’ holding the information, is not a valid RTI application under Section 6(1) of the RTI Act.”</i></p> <p><i>Full Bench of the Commission finally concluded -</i></p> <p><i>“54. We, therefore, hold that a petitioner is obliged under Section 6(1) to file his RTI application before the CPIO of the public authority which is the “concerned public authority”, which holds the information within the meaning of Section 2(j) of the Act.”</i></p> <p>ORDER.</p> <p>Therefore, u/s 6(1) Applicant has right to information against ‘concerned public Authority’ the one which is deemed to hold information as per Sec 2(j) and not any Public Authority.</p> <p>The Appeal stands disposed off in above terms.</p>
GICOI/A/E/20/00006	K N Sakthivel	GICOI/R/E/20/00033	<p>The Appellant has filed Appeal dated 22.07.2020 to the Appellate Authority on his dissatisfaction over the reply dated 17.07.2020 of the CPIO against his RTI Application dated 19.06.2020.</p> <p>The hearing of Appeal was scheduled at 11:00 A.M. on 17th August 2020. The Appellant and the CPIO were intimated to participate in the hearing through RTIMIS portal. In consideration of the ongoing COVID crisis, both the parties were summoned for ‘Appeal hearing over telephone’ only. The Appellant did not participate in the hearing through tele-conference despite the intimation to participate in the hearing. The Respondent, Mr. Sachindra Salvi, CPIO, GIC was on line for the hearing.</p>

ORDER

The RTI Application dated 19.06.2020, CPIO's Reply dated 17.07.2020 and the Memo of Appeal dated 22.07.2020 are perused.

During the hearing, the Memo of Appeal was read out to CPIO and was asked for the response on the grounds raised in the Appeal. The CPIO, GIC has given explanation/response to the grounds raised in Appeal.

Appellant Contentions, Grounds for Appeal & Prayer:

Ground for Appeal: Provided Incomplete, Misleading or False information.

Text of Appeal: Sir I had asked specific information and u have given all casual reply. Sir i had asked confirmation reg section 4 implementation and u r telling me to go there and here on ur website please note that i have visited ur website but not finding the details of section 4. Please go through my RTI application and reply properly the same application is filed with other public authorities and all have given the information.

FAA:

It is observed that the Appellant is seeking information regarding the suo –motu disclosures under sec.4 of the Act in detail.

First Appellate Authority hereby asks the CPIO to give a point-wise response to the contentions raised by the Appellant in his Appeal dated 22.07.2020

Contentions of CPIO:

CPIO humbly denies all the allegations made by the Appellant and that there was no casual approach as alleged by the Appellant. CPIO submits that the information sought was provided diligently as required by the RTI Act, 2005.

Moreover, CPIO agrees that the information sought by Applicant is with regard to implementation of obligatory items of a Public Authority as per sec 4 of the Act. It is stated that GIC dutifully implements the suo motu disclosures as per Sec 4 of the Act and updates the information at regular intervals. It is accessible at <https://gicofindia.com/en/right-to-information> and available in public domain for free of cost.

CIC on various occasions has mentioned that the information available in public domain is not the information in control of a public authority; therefore the information needn't be specifically disclosed or provide any documents /circulars etc available on public domain but may direct the Applicant to access it from public domain.

Apropos the information available on public domain, Hon'ble CIC in the matter of Smt. Nirmal Garg, vs. Securities & Exchange Board of India, Mumbai Case No. CIC/MP/A/2015/001440; in para 6, held as under:

Quote-

			<p>On the basis of the submissions during the hearing and the written submissions received from SEBI, the Commission observed that the respondent authority has provided disclosable information as available with SEBI and also provided the website and the link of SEBI for accessing the circulars/instructions/notifications/orders and the same were available in public domain. The respondent authority was not required to provide copies of these circulars/instructions etc, which were available in public domain, as held by the Commission in the matter of K. Lall vs. M.K. Bagri (File no CIC/AT/A/2007/00112) that " It shall be interesting to examine this proposition. Section 2(j) of the RTI Act speaks of 'the right to information accessible under this Act which is held by or under the control of any public authority.....' The use of the words 'accessible under this Act'; 'held by' and 'under the control of' are crucial in this regard. The inference from the text of this subsection and, especially the three expressions quoted above, is that an information to which a citizen will have a right should be shown to be a) an information which is accessible under the RTI Act and b) that is held or is under the control of a certain public authority. This should mean that unless information is exclusively held and controlled by a public authority, that information cannot be said to be information accessible under the RTI Act. Inferentially it would mean that once a certain information is placed in the public domain accessible to the citizens either freely, or on payment of a predetermined price, that information cannot be said to be 'held' or 'under the control of' the public authority and, thus would cease to be an information accessible under the RTI Act."</p> <p>Unquote-</p> <p>It is submitted that CPIO conscientiously followed the above laid principle and provided all the url links to the information sought in detail which is readily available on the website and CPIO confirms that, all the links provided in the RTI Reply are in operational and able to access by the public.</p> <p>Moreover, few of the queries of the Appellant in the original Application were in a manner of seeking confirmation. CPIO explains that, RTI is a platform to seek the information and not confirmation.</p> <p>In view of the above, the appeal is not tenable.</p> <p>FAA:</p> <p>It is stated that the purpose of Sec 4 of the Act is to disclose as much information on public domain so that the public needn't resort to Sec 6 of RTI Act for obtaining information. It is observed that the CPIO has guided the Appellant according to each query and sub-query well within the ambit of the RTI Act, 2005.</p> <p>FAA is satisfied with the contentions of CPIO.</p> <p>ORDER.</p> <p>The Appeal stands disposed off in above terms.</p>
GICOI/A/E/20/00007	Narendra Singhvi	GICOI/R/E/20/00034	The Appellant has filed Appeal dated 14.08.2020 to the Appellate Authority on his dissatisfaction over the reply dated 10.07.2020 of the CPIO against his RTI Application dated 21.06.2020.

		<p>The hearing of Appeal was scheduled at 11:00 A.M.on 11th September 2020. The Appellant and the CPIO were intimated to participate in the hearing vide letter dated 7th September 2020 and also through RTIMIS portal. In consideration of the ongoing COVID crisis, both the parties were summoned for 'Appeal hearing over telephone' only. The Appellant participated in the hearing through tele-conference despite the intimation to participate in the hearing. The Respondent, Mr. Sachindra Salvi, CPIO, GIC was present for the hearing.</p> <p>ORDER</p> <p>The RTI Application dated 21.06.2020, CPIO's Reply dated 10.07.2020 and the Memo of Appeal dated 14.08.2020 are perused.</p> <p>During the hearing, the Memo of Appeal was read out to CPIO and was asked for the response on the grounds raised in the Appeal. The CPIO, GIC has given explanation/response to the grounds raised in Appeal.</p> <p>Appellant Contentions, Grounds for Appeal & Prayer:</p> <p>Ground for Appeal: Any other ground.</p> <p>Text of Appeal: Each and every application filed is treated Independently and CPIO is bound by RTI Act.,2005 and Current law in force to provide the full & complete desired details/informations and documents as raised/ Informed by the applicant in detailed way. The question raised by the applicant should be very properly answered pointwise and there should not be any mapping reply under any circumstances. The desired details are not confidential and it should be in public domin as per transparency and accountability of govt. officials/authorities. There should not be any secrecy In the very important matter. The CPIO should be very fair in its own working style with positive attitude without hiding any details/documents in any manner. Merely not replying to our application by wrongly intrepretating the RTI Act.,2005 is totally baseless assumption and thus refusing in providing the desired details, information and documents etc. The CPIO cannot reuse in providing of desired details under RTI Act.,2005 .The CPIO cannot do any work as per own wish with dictating terms and conditions by violating settled law in force. The CPIO totally failed to provide the desired details, informations, documents etc. Under rti act.,2005 of the detailed application filed by us. Please go through the CIC judgement dated 16.06.2011 (Decision number : CIC/SM/A/2011/000278/SG/12906 , appeal number : CIC/SM/A/2011/000278/SG pronounced by Shri Shailesh Gandhi, CIC, New Delhi (PIO can transfer RTI applications to as many as required and PIOs work does not end with mere transfer of RTI application).</p> <p>In addition to above, the complaints/grievances can also be filed in Application filed under RTI Act.,2005 (CIC, New Delhi Decision dated 30.11.2017 bearing case number : CIC/CRRIN/A/2017/170804,date of judgement : 30.11.2017 by The Central Information Commissioner Prof.M.Sridhar Acharyulu (Madabhushi Sridar) in the</p>
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case of Mr. S.S.Ramesh v/s PIO. In addition to above, please go through the CIC, New Delhi judgement of case number : CIC/SM/A/2012/000075 (Mr. Subhash Chandra Agarwal v/s CPIO, Department Of Personnel and Training, date of Judgement : 15.10.2012 that CPIO can transfer the Application to SPIO also under RTI Act./,2005 pronounced By the Chief Information Commissioner Shri Satyananda Mishra. The all above judgements ,rullings etc.and many more are available at our end in order to support our stand. We will glad to submit more details if desired by your kind honour with more Rullings and judgements. We, therefore, request your kind honour to please do needful in the matter at the earliest possible. your kind immediate action would be highly appreciated in order to grant relief to senior citizen. The CPIO can transfer the applications filed Under RTI Act.,2005 to the concerned unlimited CPIO so that applicant should get the full & desired details, informations, documents etc. well in time in specified mandatory period of maximum 30 days under all circumstances whatsoever may be free of cost under RTI Act

FAA:
 First Appellate Authority hereby asks the CPIO to give a point-wise response to the contentions raised by the Appellant in his Appeal dated 14.08.2020

Contentions of CPIO:
 CPIO humbly denies all the allegations made by the Appellant and CPIO submits that the response given to the Appellant was provided diligently within the purview of the RTI Act, 2005.
 CPIO submits that the Applicant in the original Application was litigious and alleging FAA and CPIO for not providing the below,
 Quote from the Application dated 21.06.2020 –
 “desired details, informations, documents etc. as per our detailed number of applications filed under RTI Act, 2005 very frequently. The contents of our applications filed under RTI Act, 2005 are quite clear and self explanatory in every respect.”
 Unquote-
 CPIO submits that a the query in the Application dated 21.06.2020 refers to the previous RTI Applications made by the Appellant and the present Application in itself is not clear as to what Appellant wanted. Therefore, a conscientious effort was made to look into all the previous records with RTI Cell and the also Grievance Redressal and Compliant Cell w.r.t the Applications or Complaints filed by the Appellant and no such record was found.
 However, the Appellant filed 3 more RTI Applications with GIC only after the current RTI Application in issue dated 21.06.2020. CPIO also submits a screenshot of the report run in RTIMIS portal as on today i.e. 11.09.2020 w.r.t Applications filed by Appellant to GIC.

RTI Request & Appeal Management Information System (RTI-MIS)

HOME SEARCH ASSESSMENT UTILITY DPIO FAA LETTERS REPORTS USER MANUAL LOGOUT

Public Authority: General Insurance Corporation of India Role : CPIO User : Sachindra Salvi

VIEW REQUEST STATUS (SEARCH A REQUEST) (अनुरोध स्थिति देखें/एक अनुरोध खोजें)

Show entries Search:

Registration Number (रजिस्ट्रेशन संख्या)	Name (नाम)	Current Status of Request (अनुरोध की वर्तमान स्थिति)	PIO Number	Received Date (प्राप्त तारीख)	Closing Date (अंतिम तिथि)	Print Request (प्रिंट अनुरोध)
GICOI/R/E/20/00034	NARENDRA SINGHVI	REQUEST DISPOSED OF		21/06/2020	10/07/2020	
GICOI/R/E/20/00044	NARENDRA SINGHVI	REQUEST TRANSFERRED TO OTHER PUBLIC AUTHORITY => Oriental Insurance Company Ltd.		09/08/2020	15/08/2020	
GICOI/R/E/20/00045	NARENDRA SINGHVI	REQUEST TRANSFERRED TO OTHER PUBLIC AUTHORITY => LIC Central Office: Mumbai		12/08/2020	15/08/2020	
GICOI/R/E/20/00051	NARENDRA SINGHVI	REQUEST FORWARDED TO CPIO		03/09/2020		

Showing 1 to 4 of 4 entries First Previous 1 Next Last

CPIO also submits that the Appellant is seeking the same information as requested in the original RTI Application and therefore, CPIO reiterates the reply dated 10.07.2020.

In view of the above, the appeal is not tenable.

Contentions of Appellant: The Appellant put forth his grievances with regards to the payout given to Automobile agents / clients. He detailed that he was associated with Oriental Insurance Company and was under the presumption that GIC has some management control in the same.

FAA:

The Appellant was heard and explained that GIC was no more a holding company and was delinked from direct insurance companies in the year 2002 and that all the public sector insurance companies are separate board run companies.

It was explained that GIC is not the appropriate public authority to seek this information, moreover all the other applications of the Appellant have been transferred to other appropriate public authorities.

The Appellant appears to be satisfied with the explanation given.

As per Section 6(1) of Right to Information Act, 2005, a person shall make a request to CPIO of the concerned Public Authority and as per Section 7(1) CPIO shall provide information within 30days of the receipt of Request.

			<p>It is observed that in the present Appeal, the original RTI request is referring to the RTI Applications which are not made to CPIO, GIC Re which are of Appellant's primary concern. It can be agreed that there is no appropriate action for an Application which is not filed.</p> <p>FAA is satisfied with the contentions of CPIO.</p> <p>ORDER.</p> <p>The Appeal stands disposed off in above terms.</p>
GICOI/A/E/20/00008	Tushar Dayal	GICOI/R/E/20/00043	<p>The Appellant has filed Appeal dated 18.08.2020 to the Appellate Authority on his dissatisfaction over the reply dated 14.08.2020 of the CPIO against his RTI Application dated 04.08.2020.</p> <p>The hearing of Appeal was scheduled at 11:30 A.M. on 11th September 2020. The Appellant and the CPIO were intimated to participate in the hearing vide letter dated 7th September 2020 and also through RTIMIS portal. In consideration of the ongoing COVID crisis, both the parties were summoned for 'Appeal hearing over telephone' only. The Appellant participated in the hearing through tele-conference despite the intimation to participate in the hearing. The Respondent, Mr. Sachindra Salvi, CPIO, GIC was present for the hearing.</p> <p>ORDER</p> <p>The RTI Application dated 04.08.2020, CPIO's Reply dated 14.08.2020 and the Memo of Appeal dated 18.08.2020 are perused.</p> <p>During the hearing, the Memo of Appeal was read out to CPIO and was asked for the response on the grounds raised in the Appeal. The CPIO, GIC has given explanation/response to the grounds raised in Appeal.</p> <p>Appellant Contentions, Grounds for Appeal & Prayer:</p> <p>Ground for Appeal: Any Other ground.</p> <p>Text of Appeal: Respected Sir kindly provide detailed information</p>

		<p>1 .What is current status of Group Insurance Scheme devised to facilitate payment of Written Down Value of car purchased under Conveyance Scheme 9A(V) in case of death of officer for whom car is purchased. Implemented or not? Are all present vehicles of co. purchased under this scheme covered under this GIS?</p> <p>2. Which company is providing this Group insurance?. How is the premium calculated and who bears the premium. Kindly give all details pertaining to this Group insurance Scheme.</p> <p>3. Who is responsible for getting the car insured under Group insurance Scheme? Which Authority/officer/office is responsible to keep record of it.?</p> <p>Contentions of the Appellant: The Appellant put forth his grievance that the family of the employee had to pay 8 lakh from the employee benefits against a vehicle purchased by the company for employee and that the employee belonged to oriental insurance company.</p> <p>FAA:</p> <p>First Appellate Authority hereby asks the CPIO to give a point-wise response to the contentions raised by the Appellant in his Appeal dated 14.08.2020</p> <p>Contentions of CPIO:</p> <p>CPIO humbly submits that the Appellant didn't raise any grievance or dissatisfaction over the reply dated 14.08.2020.</p> <p>CPIO also submits the information sought by the Applicant in the original Application is replied diligently.</p> <p>Moreover, it appears that the Appellant is seeking new queries afresh in the Appeal stage based on the reply dated 14.08.2020 which was not initially asked in original Application.</p> <p>In view of the above, the appeal is not tenable.</p> <p>FAA:</p>
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		<p>As per Sec 19(1) of the RTI Act, 2005, an Appeal can be made if the applicant is aggrieved by the decision of the Public Information Officer regarding supply/ non-supply of information or the quantum of fee decided by the Public Information Officer. It appears that the Appellant has no grievance or dissatisfaction over the CPIO's response.</p> <p>FAA is satisfied with the contentions of CPIO and concurs with the view of CPIO that Appellant is asking for a new set of Information which was not initially asked in original Application, therefore, Appeal is not tenable. However, in the spirit of RTI Act, 2005 the new set of information sought in Appeal stage is provided to Appellant.</p> <p>Query 1: What is current status of Group Insurance Scheme devised to facilitate payment of Written Down Value of car purchased under Conveyance Scheme 9A (V) in case of death of officer for whom car is purchased. Implemented or not? Are all present vehicles of co. purchased under this scheme covered under this GIS?</p> <p>Response: Yes, it is implemented. The sum assured shall be payable only in the event of death of officer, whilst in service. Yes, all the vehicles of GIC Re are covered under the group insurance scheme.</p> <p>Query 2: Which company is providing this Group Insurance? How is the premium calculated and who bears the premium. Kindly give all details pertaining to this Group Insurance scheme..</p> <p>Response: Life Insurance Corporation of India is providing group insurance under Conveyance Scheme to GIC Re. The premium is calculated by the insurance company (LIC of India) and GIC Re pays the premium amount.</p> <p>Query 3: Who is responsible for getting the car insured under Group insurance scheme? Which authority/ officer/ office is responsible to keep record of it?</p> <p>Response: HR Department of GIC Re gets the vehicles of the corporation insured under Group Insurance scheme. Office Services Department of GIC Re is responsible to keep records.</p> <p>ORDER.</p> <p>The Appeal stands disposed off in above terms.</p>
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GICOI/A/E/20/00009	Deepak Solanki	GICOI/R/E/20/00047	<p>The Appellant has filed Appeal dated 31.08.2020 to the Appellate Authority on his dissatisfaction over the reply dated 29.08.2020 of the CPIO against his RTI Application dated 17.08.2020. The hearing of Appeal was scheduled at 11:00 A.M. on 24th September 2020. The Appellant and the CPIO were intimated to participate in the hearing through RTIMIS portal. In consideration of the ongoing COVID crisis, both the parties were summoned for 'Appeal hearing over telephone' only. The Appellate Authority called the appellant at his Mobile number 98XXXXXXX at 11.07 AM since the appellant did not call and explained him that the 4 Public Sector GIC were independent companies not in the control of GIC. The explanation given was well received by the appellant after the call lasting 107 seconds. The Respondent, Mr. Sachindra Salvi, CPIO, GIC was on line for the hearing.</p> <p style="text-align: center;">ORDER</p> <p>The RTI Application dated 17.08.2020, CPIO's Reply dated 29.08.2020 and the Memo of Appeal dated 31.08.2020 are perused.</p> <p>During the hearing, the Memo of Appeal was read out to CPIO and was asked for the response on the grounds raised in the Appeal. The CPIO, GIC has given explanation/response to the grounds raised in Appeal.</p> <p>Appellant Contentions, Grounds for Appeal & Prayer: <u>Ground for Appeal:</u> Provided Incomplete, Misleading or False Information.</p> <p><u>Text of Appeal:</u> But why this was not implementing on ground level, women employees were transferred more than 200 km from there hometown i.e husband/parents house in all the four general insurance companies uiic,oicl,niel,niicl.</p> <p>FAA: First Appellate Authority hereby asks the CPIO to give a point-wise response to the contentions raised by the Appellant in his Appeal dated 31.08.2020</p> <p>Contentions of CPIO: CPIO humbly denies all the allegations made by the Appellant in the "Ground of Appeal".</p>
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The original Application dated 17.08.2020 was mostly in a manner of grievance however, the Applicant specifically sought information w.r.t non-implementation of the circular received from Govt. of India, MOF, DFS' vide letter No.-S-11012/04/2014-Ins. 1 dated 23rd September 2014. CPIO submits that the information sought in the original Application was duly replied.

CPIO reiterates the response dated 29.08.2020 which is in regards to General Insurance Corporation of India. A copy of the policy is also annexed with the reply for the Appellants' reference.

CPIO humbly submits that though the original application was seeking information of all general insurance companies, the Application was not transferred to other public authorities as the transfer of RTI Application under Sec 6(3) of RTI Act is an exception to the general rule of Sec 6(1) of the Act under which a RTI Application can be made to CPIO, but not other option to make an RTI Application to a different Public Authority which holds the information sought. Moreover, Sec 6(3) of RTI Act is to assist the misinformed citizens in sending their Applications to the concerned Public Authority. Furthermore, it appears that the Appellant a graduate and is well aware of the fact that the said circular is addressed to various public authorities which can be approached separately.

CPIO also submits that the contents of this RTI Appeal are in the form of grievance which is beyond the scope of RTI Act, 2005. RTI is a forum to seek only information and not to redress the grievances.

In view of the above, the appeal is not tenable.

FAA:

FAA is satisfied with the contentions of CPIO and concurs with CPIO regarding the response provided.

In the present matter it is important to mention that the public in general is still under a misconception that GIC still has an administrative control over the 4 PSICs – NIACL, NICL, OICL and UIICL even after its delinking from the said companies in 2002; as it is evident from the Appeal where specifically four public sector insurance companies [PSICs] are mentioned.

			<p>In fact, the present status of GIC Re is that it is the Reinsurance Company and it neither holds nor controls any other insurance companies. All the companies have their individual Board and are functioning independently. The above was communicated to the Appellant and he is satisfied with the same.</p> <p><u>ORDER.</u></p> <p>The Appeal stands disposed off in above terms.</p>
GICOI/A/E/20/00010	Gaurav	GICOI/R/E/20/00030	<p>The Appellant has filed Appeal dated 02.09.2020 to the Appellate Authority on his dissatisfaction over the reply dated 24.06.2020 of the CPIO against his RTI Application dated 27.05.2020.</p> <p>The hearing of Appeal was scheduled at 11:30 A.M. on 24th September 2020. The Appellant and the CPIO were intimated to participate in the hearing through RTIMIS portal. In consideration of the ongoing COVID crisis both the parties were summoned for 'Appeal hearing over telephone' only. The Appellant participated/ did not participate in the hearing through tele-conference despite the intimation to participate in the hearing and a call is made by Appellate Authority at 11.34.AM on his mobile number +91-99XXXXXXX which went unanswered.</p> <p>The Respondent, Mr. Sachindra Salvi, CPIO, GIC was on line for the hearing.</p> <p style="text-align: center;">ORDER</p> <p>The RTI Application dated 27.05.2020, CPIO's Reply dated 24.06.2020 and the Memo of Appeal dated 02.09.2020 are perused.</p> <p>During the hearing, the Memo of Appeal was read out to CPIO and was asked for the response on the grounds raised in the Appeal. The CPIO, GIC has given explanation/response to the grounds raised in Appeal.</p> <p>Appellant Contentions, Grounds for Appeal & Prayer: <u>Ground for Appeal:</u> Provided Incomplete, Misleading or False Information</p> <p><u>Text of Appeal:</u> Respected Appellate Authority, In General Insurance Corporation of India: Please Provide the Information of Point No.1, Point No.2 and Point No.3 For GENERALIST STREAM:</p>

Point No.1: Number of Vacant Vacancies reported till date under Direct Recruitment Quota with Category-Wise(GEN,EWS,SC,ST,OBC) in Posts of : (i). Assistant Manager (General) Officer Scale-1.

Point No.2: Number of Total Sanctioned Vacancies reported till date Under Direct Recruitment Quota with Category-Wise(GEN,EWS,SC,ST,OBC) in Posts of : (i). Assistant Manager (General) Officer Scale-1

Point No.3: Offices in India-Wise/Overseas Offices-Wise/Global Offices-Wise ALLOCATION OF TOTAL SANCTIONED VACANCIES with Category-wise (UR,EWS,OBC,SC,ST) in posts of: (i). Assistant Manager (General) Officer Scale-1

FAA:

First Appellate Authority hereby asks the CPIO to give a point-wise response to the contentions raised by the Appellant in his Appeal dated 02.09.2020

Contentions of CPIO: The CPIO at the outset would like to state that the Appeal made with respect to RTI Application dated 27.05.2020 by the Appellant Shri. Gaurav through RTI MIS portal under section 19(1) of RTI Act, 2005 is not tenable as the Appeal was made after the expiry of 30 days.

Appeal not Tenable

Sec 19(1) of RTI Act, 2005 states that

*Any person who, does not receive a decision within the time specified in sub-section (1) or clause (a) of sub-section (3) of section 7, or is aggrieved by a decision of the Central Public Information Officer or State Public Information Officer, as the case may be, **may within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal to such officer who is senior in rank to the Central Public Information Officer or State Public Information Officer as the case may be, in each public authority:***

Provided, that such officer may admit the appeal after the expiry of the period of thirty days if he or she is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

As per the above provision an Appeal under section 19(1) can be filed under two circumstances

1. When the decision is not received – Appeal to filed within 30 days from expiry of such period

2. When aggrieved by the decision – Appeal to be filed within 30 days from the receipt of such a decision. In the present case, the Appellant filed the Appeal against the decision of CPIO. Chronological event of RTI Application/Appeal made by Appellant Gaurav is as below:

RTI Application of Shri Gaurav is received by GIC Re via RTI MIS: **27.05.2020**

30 days' time limit u/s7(1) of RTI Act, 2005 expires on: **25.06.2020**

Reply received by Gaurav via RTI MIS: **24.06.2020**

30 days' time limit to file first Appeal starts from: **24.06.2020**

30 days' time limit to file first Appeal expires on: **23.07.2020**

First Appeal made by Gaurav to GIC Re via RTI MIS: **02.09.2020**

No First Appeal from Gaurav within 30 days – Deemed waiver of his right of Appeal under RTI Act, 2005

Since the First Appeal was made after the expiry of 30 days, therefore it is humbly submitted before First Appellate Authority that this Appeal dated 02.09.2020 should not be admitted.

Further Proviso to Section 19(1) states that if the appellant was prevented by sufficient cause from filing the Appeal, the First Appellate Authority may admit the Appeal. The Appellant in his Appeal has not produced any cause of delay. Therefore, it is once again prayed that First Appeal may not be admitted

Order of First Appellate Authority:

The First Appellate Authority examined the provisions of RTI Act read with DoPT Office Memorandum dated 25th April 2008 on the Subject: Guidelines for the Officers designated as First Appellate Authority under RTI Act, 2005. The First Appellate Authority perused the contention made by CPIO, verified with the records available and reached to the conclusion that the First Appeal was made after the expiry of 30 days. The First Appellate Authority further perused the Appeal to find if the Appellant was prevented by sufficient cause from filing the Appeal. No special reason was mentioned.

The First Appellate Authority therefore felt that the First Appeal was made after expiry of 30 days and without any sufficient cause of delay. The First Appeal is therefore not tenable under Section 19(1) of RTI Act, 2005. **The Appeal is therefore rejected on aforesaid grounds.**

However, **in the interest of justice and in the spirit of RTI Act, 2005**, the First Appellate Authority hereby asks the CPIO to give a point-wise response to the contentions raised by the Appellant in his Appeal dated 02.09.2020 without any prejudice as regards the rights of CPIO to request FAA for rejection of Appeal filed beyond the statutory limitation period as per section 19(1) against the response of CPIO under the RTI Act, 2005

CPIO contentions:

CPIO humbly denies all the allegations made by the Appellant in the “Ground of Appeal”.

CPIO submits that the information sought by the Applicant in the original Application is replied diligently and completely without any fail.

CPIO confirms that the information sought in the Appeal are same as in the original application. Hence it is clarified that GIC Re has no concept of vacant vacancies and sanctioned vacancies. Therefore CPIO reiterates the reply as NIL for the queries 1, 2 and 3 of Appeal/ Application. However, GIC Re has Board approved cadre strength. The number of vacancies at the time of recruitment of Scale I Officers is decided based on the organizational requirements keeping in view the board approved cadre strength of Scale I officers.

Hence the Appeal is not tenable.

FAA:

FAA is satisfied with the contentions of CPIO and concurs with the view of CPIO and that the matter in issue is clarified and the queries raised in Application/ Appeal seem to be addressed in toto.

ORDER.

The Appeal stands disposed off in above terms.

GICOI/A/E/21/00001	Nitinkumar B Mansata	GICOI/R/E/20/00071	<p>The Appellant has filed Appeal dated 06.02.2021 to the Appellate Authority on his dissatisfaction over the reply dated 29.01.2021 of the CPIO against his RTI Application dated 31.12.2020. The hearing of Appeal was scheduled at 11:00 A.M. 17th February 2021. The Appellant and the CPIO were intimated to participate in the hearing through RTIMIS portal. In consideration of the ongoing COVID crisis, both the parties were summoned for 'Appeal hearing over telephone' only. The Appellant did not call therefore Appellate Authority reached out to Appellant on his Cell Number 90XXXXXXX The Respondent, Mrs. Radhika Ravishekar, CPIO, GIC's view was taken on Phone Number 98XXXXXXX for the hearing.</p> <p style="text-align: center;">ORDER</p> <p>The RTI Application dated 31.12.2020, CPIO's Reply dated 29.01.2021 and the Memo of Appeal dated 06.02.2021 are perused. During the hearing, the Memo of Appeal was read out to CPIO and was asked for the response on the grounds raised in the Appeal. The CPIO, GIC has given explanation/response to the grounds raised in Appeal.</p> <p>Appellant Contentions, Grounds for Appeal & Prayer: <u>Ground for Appeal:</u> Refused access to Information Requested</p> <p><u>Text of Appeal:</u> This has reference to my RTI application number GICOI/R /E/ 20/00071 dated 11.12. 2020 and reply of CPIO dated 29.01.2020 giving me information. First of all, I would like convey my thanks to CPIO for providing me so much of information barring point No 4 I am not satisfied with his stand in respect of Point No 4. He has declined to provide me with, Copy of Office Note approved by Competent Authority vide which it was decided to introduce Biometric Attendance System in GIC, without citing provision of RTI Act. He has treated it as internal communication which cannot be made available in the public domain. In this regard, I would like to state that my request is well within ambit of RTI Act 2005. A citizen has right to know even internal communication of a Public Authority. Main objective of RTI Act is to promote transparency in functioning of Public Authority. Hence, I appeal to review the decision of CPIO and issue necessary instruction to him to provide me with Copy of Office Note approved by Competent Authority vide which it was decided to introduce Biometric Attendance System in GIC I am agreeable to pay additional fee as per RTI Act/Rules</p>
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			<p>FAA:</p> <p>First Appellate Authority hereby asks the CPIO to give a point-wise response to the contentions raised by the Appellant in his Appeal dated 06.02.2021</p> <p>Contentions of CPIO: The office note referred in the RTI reply was regarding procurement of biometric machines. The implementation of biometric attendance system was through communication sent to all the employees by Deputy General Manager of HR Department, who is the competent authority. A copy of the communication sent to the employees is attached as requested.</p> <p>FAA:</p> <p>FAA is satisfied with the contentions of CPIO and the submitted documents. The FAA informed the Appellant orally and Appellant desired that the communication mentioned by CPIO be shared with him. The information sought as received from the concerned department is attached herewith.</p> <p><u>ORDER.</u></p> <p>The Appeal stands disposed off in above terms.</p>
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