REJOINER

1st APPEAL UNDER SECTION 19(1)

To,

Shri Udaya Kumara, Appellate Authority, Joint Secretary, & Legislative Counsel, Legislative Department, Appellate Authority Ministry Of Law And Justice, 436, A Wing 4th Floor, Shastri Bhawan, New Delhi-110 001

Out No: L& J/ EC Chandra /AA

1: Full name of the Applicant: VIHAR DURVE (0-9860586039)
   Email: vihardurve@gmail.com

2: Address: 573/1, Pavan Vihar Near Sai Petrol Pump, J.M. Road Pune 411004


4: The date of receipt of order appealed against:

5: Last date for filing the Appeal:

6: Grounds for Appeal:
   Please refer to my RTI dtd 20/5/2019. I received PIO order vide F No 6(32)/2019[RTI] [LD] dtd 10th July 2019 reply after filing first appeal.

   I had sought following information from PIO Ministry Of Law And Justice. (attached herewith).

   5] Furnish me copy of Hon'ble Supreme Court Judgment about transparency in appointment of Public Servants applicable for appointment Election Commissioner of India.

   PIO Reply: Matter doesn't pertain to Legislative Department.

   Appeal Point: CPIO may be directed to forward my RTI to the concern CPIO in whose custody information is available.

   8] Furnish me exact web link of above information on your official web site in compliance to Dept of Personnel & Training office memorandum, circulars, guidelines eg. No 1/1/2013-IR/2014 uploading of RTI replies etc issued from time to time...available on www.rti.gov.in > Circulars


   Appeal Point: CPIO may be directed to furnish me exact web link of RTI Application & CPIO reply is published as directed by Dept of Personnel & Training office memorandum, circulars, guidelines eg. No 1/1/2013-IR/2014 uploading of RTI replies etc issued from time to time...available on www.rti.gov.in > Circulars

   Place: PUNE

   Date: 23/7/19

   Signature of the applicant

   Encl: As above.
IN THE MATTER OF:
Shri Vihar Durve
573/1, Pavan Vihar,
Near Sai Petrol Pump
J.M.Road, Pune-411004

v.

Central Public Information Officer,
Ministry of Law and Justice,
Legislative Department,
Shastri Bhawan, New Delhi.

.....Appellant

v.

.....Respondent

ORDER

The present appeal dated 23.7.2019 received in this office on 29.7.2019 under the Right to Information Act, 2005 (the RTI Act) has been preferred by Shri Vihar Durve with respect to his RTI application dated 20.5.2019.

2. I have perused the RTI application of Shri Vihar Durve and his RTI appeal as well as other material available on record. The appellant had filed the RTI application dated 20.5.2019 received from the Department of Personnel and Training on 14.6.2019 seeking information regarding appointment of Shri Sushil Chandra as Election Commissioner of India and the Judgment of the Hon’ble Supreme Court relating to transparency in appointment of public servants applicable for appointment of Election Commissioner of India. The CPIO, Legislative Department furnished the information to the appellant vide letter of even number dated 10.7.2019. The appellant in his appeal has stated that the Judgment of the Hon’ble Supreme Court relating to transparency in appointment of public servants applicable for appointment of Election Commissioner of India has not been provided to him.

3. According to the RTI Act, the CPIO is obliged to provide information which is available with him. The appellant has not mentioned Supreme Court case number and date of Judgement. However, the information sought by the appellant relating to transparency in appointment of public servants may be available on the website of the Hon’ble Supreme Court of India at www.sci.gov.in. The appellant may go through the website of the Supreme Court of India and get the desired information.

4. Therefore, the appeal is dismissed.

(Udaya Kumar)
Joint Secretary and Legislative Counsel and Appellate Authority
Phone: 23389163 I mail: aa-rti-legis@nic.in

Copy to: 1 Shri Vihar Durve, 573/1, Pavan Vihar, Near Sai Petrol Pump, J.M.Road,
Pune-411004

2. CPIO, Legislative Department
To,

Shri Udaya Kumara, Appellate Authority, Joint Secretary, & Legislative

Legislative Department, Appellate Authority Ministry Of Law And Justice

436, A Wing 4th Floor, Shastri Bhawan , New Delhi-110 001

1: Full name of the Applicant: VIHAR DURVE (0-9860586039)
   Email: vihardurve@gmail.com

2: Address: 573/1, Pavan Vihar Near Sai Petrol Pump, J.M. Road Pune 411 004

3: Particulars of Public Information officer: CPIO, Ministry Of Law And Justice

4: The date of receipt of order appealed against:

5: Last date for filling the Appeal:

6: Grounds for Appeal:

Please refer to my RTI dtd 20/5/2019. As there was no reply from PIO I filed First appeal
dtd 12/7/2019 attached herewith. I received PIO order vide F No 6(33) /2019(RTI) (LD) dtd
10th July 2019 reply after filing first appeal.

I had sought following information from PIO Ministry Of Law And Justice... (attached
herewith).

5) Furnish me copy of Hon'ble Supreme Court Judgment about transparency in
   appointment of Public Servants applicable for appointment Election Commissioner of India

PIO Reply : Matter doesn't pertain to Legislative Department.

Appeal Point: CPIO may be directed to forward my RTI to the concern CPIO in whose
   custody information is available.

8) Furnish me exact web link of above information on your official website in
   compliance to Dept of Personnel & Training office memorandum, circulars, guidelines eg.
   No 1/1/2013-IR/2014 uploading of RTI replies etc issued from time to time...available
   on www.rti.gov.in > Circulars


Appeal Point CPIO may be directed to furnish me exact web link of RTI Application & CPIO
rely is published as directed by Dept of Personnel & Training office memorandum, circulars,
   guidelines eg. No 1/1/2013-IR/2014 uploading of RTI replies etc issued from time to
time...available on www.rti.gov.in> Circulars

Place: PUNE

Date: 23/7/19

Encl: As above.
JOINT SECRETARY AND APPELLATE AUTHORITY  
MINISTRY OF LAW AND JUSTICE, LEGISLATIVE DEPARTMENT  
Shastri Bhawan, New Delhi,  
Dated, the 12 August, 2019

Appeal Case No. 55/2019(F.No.6(33)/2019-RTI]

IN THE MATTER OF:
Shri Vihar Durve  
573/1, Pavan Vihar,  
Near Sai Petrol Pump  
J.M. Road, Pune-411004  

V.

Central Public Information Officer,  
Ministry of Law and Justice,  
Legislative Department,  
Shastri Bhawan, New Delhi.

ORDER

The present appeal dated 23.7.2019 received in this office on 29.7.2019 under the Right to Information Act, 2005 (the RTI Act) has been preferred by Shri Vihar Durve with respect to his RTI application dated 20.5.2019.

2. I have perused the RTI application of Shri Vihar Durve and his RTI appeal as well as other material available on record. That the appellant had filed the RTI application dated 20.5.2019 received from the Prime Minister’s Office on 14.6.2019 seeking information regarding appointment of Shri Sunil Arora as Election Commissioner of India and the Judgment of the Hon’ble Supreme Court relating to transparency in appointment of public servants applicable for appointment of Election Commissioner of India. The CPIO, Legislative Department furnished the information to the appellant vide letter of even number dated 10.7.2019. The appellant in his appeal has stated that the Judgment of the Hon’ble Supreme Court relating to transparency in appointment of public servants applicable for appointment of Election Commissioner of India has not been provided to him.

3. According to the RTI Act, the CPIO is obliged to provide information which is available with him. The appellant has not mentioned Supreme Court case number and date of Judgement. However, the information sought by the appellant relating to transparency in appointment of public servants may be available on the website of the Hon’ble Supreme Court of India at www.sci.gov.in. The appellant may go through the website of the Supreme Court of India and get the desired information.

4. Therefore, the appeal is dismissed.

(Udaya Kumara)

Joint Secretary and Legislative Counsel and Appellate Authority  
Phone: 23389163  Email: aa-rti-legis@nic.in

Copy to: 1 Shri Vihar Durve, 573/1, Pavan Vihar, Near Sai Petrol Pump, J.M.Road,  
Pune-411004  
2. CPIO, Legislative Department
1st APPEAL UNDER SECTION 19(1)

To,

Out No: L& J/ EC Lavasa /AA

Shri Udaya Kumara, Appellate Authority, Joint Secretary, & Legislative Counsel, Legislative Department, Appellate Authority Ministry Of Law And Justice, Room No 436, A Wing 4th Floor, Shastri Bhawan, New Delhi-110 001

1: Full name of the Applicant: VIHAR DURVE (0-9860586039)
   Email: viharden@gmail.com

2: Address: 573/1, Pavan Vihar Near Sai Petrol Pump, J.M. Road Pune 411004

3: Particulars of Public Information officer: CPIO, Ministry Of Law And Justice

4: The date of receipt of order appealed against:

5: Last date for filling the Appeal:

6: Grounds for Appeal:

Please refer to my RTI dtd 20/5/2019 .. I received PIO order vide F No 6(25)/2019[RTI] (LD) dtd 10th July 2019 reply after filing first appeal.

I had sought following information from PIO Ministry Of Law And Justice .. (attached herewith).

5) Furnish me copy of Hon'ble Supreme Court Judgment about transparency in
   appointment of Public Servants applicable for appointment Election Commissioner of India

PIO Reply: Matter doesn't pertain to Legislative Department.

Appeal Point: CPIO may be directed to forward my RTI to the concern CPIO in whose
   custody information is available.

8) Furnish me exact web link of above information on your official web site in
   compliance to Dept of Personnel & Training office memorandum, circulars, guidelines eg.
   No 1/1/2013-IR/2014 uploading of RTI replies etc issued from time to time...available on www.rti.gov.in > Circulars


Appeal Point: CPIO may be directed to furnish me exact web link of RTI Application & CPIO
   reply is published as directed by Dept of Personnel & Training office memorandum, circulars,
   guidelines eg. No 1/1/2013-IR/2014 uploading of RTI replies etc issued from time to
time...available on www.rti.gov.in > Circulars

Place: PUNE

Date: 23/7/19

Encl: As above.

Signature of the applicant
Appeal Case No. 56/2019[F.No.6(25)/2019-RTI]

IN THE MATTER OF:
Shri Vihar Durve
573/1, Pawan Vihar,
Near Sai Petrol Pump
J.M.Road, Pune-411004

v.

Central Public Information Officer,
Ministry of Law and Justice,
Legislative Department,
Shastri Bhawan, New Delhi.

ORDER

The present appeal dated 23.7.2019 received in this office on 29.7.2019 under the Right to Information Act, 2005 (the RTI Act) has been preferred by Shri Vihar Durve with respect to his RTI application dated 20.5.2019.

2. I have perused the RTI application of Shri Vihar Durve and his RTI appeal as well as other material available on record. That the appellant had filed the RTI application dated 20.5.2019 received from Prime Minister’s Office on 4.6.2019 seeking information regarding appointment of Shri Ashok Lavasa as Election Commissioner of India and the Judgement of the Hon’ble Supreme Court relating to transparency in appointment of public servants applicable for appointment of Election Commissioner of India. The CPIO, Legislative Department furnished the information to the appellant vide letter of even number dated 10.7.2019. The appellant in his appeal has stated that the Judgement of the Hon’ble Supreme Court relating to transparency in appointment of public servants applicable for appointment of Election Commissioner of India has not been provided to him.

3. According to the RTI Act, the CPIO is obliged to provide information which is available with him. The appellant has not mentioned Supreme Court case number and date of Judgement. However, the information sought by the appellant relating to transparency in appointment of public servants may be available on the website of the Hon’ble Supreme Court of India at www.sci.gov.in. The appellant may go through the website of the Supreme Court of India and get the desired information.

4. Therefore, the appeal is dismissed.

(Udaya Kumara)
Joint Secretary and Legislative Counsel and Appellate Authority
Phone: 23389163 E-mail: aa-rti-legis@nic.in

Copy to:
1. Shri Vihar Durve, 573/1, Pawan Vihar, Near Sai Petrol Pump, J.M.Road,
Pune-411004
2. CPIO, Legislative Department
436, A Wing 4th Floor, Shastri Bhawan, New Delhi-110 001

1: Full name of the Applicant: VIHAR DURVE (0-9860586039)
   Email: vihardurve@gmail.com
2: Address: 573/1, Pavan Vihar Near Sai Petrol Pump, J.M. Road Pune 411024
3: Particulars of Public Information officer: PIO, Ministry Of Law And Justice...
4: The date of receipt of order appealed against: 12.7.19
5: Last date for filling the Appeal: 11.8.19
6: Grounds for Appeal:
   Please refer to my RTI dtd 21/5/2019. I had sought following information from
   PIO Ministry Of Law And Justice... (attached herewith).
   1) Furnish me Total Number of Complaints received relating to Loksabha Elections 2019
      against (a) Sh. Sunil Arora Chief Election Commissioner of India
      (b) Sh. Mr. Shri Sushil Chandra Election Commissioner of India
      (c) Sh. Mr. Ashok Lavasa Election Commissioner of India
   2) Furnish me action taken by concerns i.e in reply to Complaints received Complaints
      received relating to Loksabha Elections 2019 against (a) Sh. Sunil Arora Chief Election
      Commissioner of India (b) Sh. Mr. Shri Sushil Chandra Election Commissioner of India
      (c) Sh. Mr. Ashok Lavasa Election Commissioner of India
   3) Furnish me Name & Designation, Address, Telephone Number, Email Id of concerns
      / competent authorities to take action taken on Complaints received relating to
      Loksabha Elections 2019 against (a) Sh. Sunil Arora Chief Election Commissioner of India
      (b) Sh. Mr. Shri Sushil Chandra Election Commissioner of India
      (c) Sh. Mr. Ashok Lavasa Election Commissioner of India
   4) Furnish me Time Period as per your rules or Citizen Charter to take action on number of complaints received relating to Loksabha Elections 2019 against (a) Sh. Sunil Arora Chief Election Commissioner of India (b) Sh. Mr. Shri Sushil Chandra Election Commissioner of India (c) Sh. Mr. Ashok Lavasa Election Commissioner of India
   5) Furnish me rules and regulations, copy of notification, circular, office memorandum copy of act, relating Complaints received relating to Loksabha Elections 2019 against (a) Sh. Sunil Arora Chief Election Commissioner of India (b) Sh. Mr. Shri Sushil Chandra Election Commissioner of India (c) Sh. Mr. Ashok Lavasa Election Commissioner of India
   6) Any other relevant details from Year 2015 to 2019 relating to point no 1 to 7 herein mentioned in this RTI application.
   7) Furnish me exact web link of above information on your official website in compliance with the Department of Personnel & Training office memorandum, guidelines eg. No 1/1/2013-IR/2014 uploading of RTI replies etc issued from time to time...available on www.rti.gov.in > Circulars.

   Appeal Point: I had sought following information mentioned herein above from PIO
   Ministry Of Law And Justice... CPIO Ministry Of Law And Justice vide order No
   6(34)/2019 - RTI dtd 09/07/2019 informed me that he has no information.
   I had filed similar application in the office of Hon’ble President of India.
   CPIO Hon’ble President of India vide order No 0413/RTI/05/19-20 dtd 28th June 2019
   informed me that “Department of Justice is nodal Ministry and custodian of records in
   the matter. Therefore you are requested to approach the Department of Justice directly for
   further information...”

   In the light of above information, I humbly request you to direct CPIO to furnish me
   information sought in my RTI 21.5.2019.

   In case the replying CPIO has no information, then my RTI application may be
   directed to be transfer to CPIO Department of Justice in whose custody the
   information is available & be directed to furnish me information sought.

   Place: PUNE
   Date: 18/7/19
   Encl: As above.

   Signature of the applicant
IN THE MATTER OF:
Shri Vihar Durve
573/1, Pavan Vihar,
Near Sai Petrol Pump
J.M. Road, Pune-411004

v.

Central Public Information Officer,
Ministry of Law and Justice,
Legislative Department,
Shastri Bhawan, New Delhi.

......Appellant

......Respondent

ORDER

The present appeal dated 18.7.2019 received in this office on 29.7.2019 under the Right to Information Act, 2005 (the RTI Act) has been preferred by Shri Vihar Durve with respect to his RTI application dated 21.5.2019.

2. I have perused the RTI application of Shri Vihar Durve and his RTI appeal as well as other material available on record. That the appellant had filed the RTI application dated 21.5.2019 seeking information regarding complaints received relating to Lok Sabha Elections 2019 against Chief Election Commissioner of India and other Election Commissioners of India. The CPIO, Legislative Department informed the appellant on 9.7.2019 that the Legislative Department deals with the election laws in respect of election to Parliament and the State Legislatures. The appellant has not asked for information relating to election laws. The CPIO, Legislative Department has no information sought by the appellant relating to complaints received against Chief Election Commissioner of India and other Election Commissioners of India.

3. Therefore, the appeal is dismissed.


Joint Secretary and Legislative Counsel and Appellate Authority
Phone: 23389163 Email: aa-rti-legis@nic.in

Copy to: 1 Shri Vihar Durve, 573/1, Pavan Vihar, Near Sai Petrol Pump, J.M. Road,
Pune-411004

2. CPIO, Legislative Department