

**GOVT. OF NCT OF DELHI  
OFFICE OF THE MEDICAL SUPERINTENDENT  
RAO TULA RAM MEMORIAL HOSPITAL  
JAFFARPUR, NEW DELHI-110073**

F.No.RTRMH-I/6/RTI Appeal No.10/2013-14/647-49

Dated: 17/01/2014

**ORDER**

An appeal dated 12/12/2013 filed by Shri Adish Malik, under Section 19 of the RTI Act, 2005 regarding his RTI Application (ID No.81) had come up for hearing earlier on 07/01/2014 at 10:00 A.M. and was adjourned for 16/01/2014 at 10 : 00 A.M. vide order dated 09/01/2014. It was heard again on 16/01/2014 at 10 : 00 A.M. The Appellant, the PIO and APIO were present in the hearing.

At the outset the appellant was asked whether he had brought anything to submit to the FAA in reference to his order dated 09/01/2014 giving him liberty to submit his comments on relationship, if any, of his RTI (ID No.81) with the Writ Petition filed by him in Delhi High Court that had come up for hearing on 02/01/2014 in Delhi High Court. The appellant replied in negative. The PIO informed that the said Writ Petition according to Head of Office had a clear relationship as it covered the information as sought by appellant under RTI. She also drew attention of the chair to the decision of CIC dated 15/07/2008 in the case “Arun Nevatia V/s Syndicate Bank” and read its contents w.r.t. CIC Digest (Vol.II) 2312 (1407) “*Commission has been taking a view that if the information sought is directly connected with a matter in a Court and the information seeker and the public authority are the parties therein, then the information seeker should approach the court for a direction to the public authority to disclose the documents.*”

Taking note of the submission of PIO the fact that the appellant had not submitted anything in this regard to the undersigned and also that the MS, RTRM Hospital is a respondent in the said case, who would be using same/similar information for framing his counter reply to the said Writ Petition in Delhi High Court, the appellant was advised to approach the court for a direction to disclose the documents as sought by him. This is in line with the decision of the CIC dated 15/07/2008 in the case referred herein above.

The appeal was accordingly disposed off but if the appellant is not satisfied with decision, he may file a Second Appeal under RTI Act, 2005 within 90 days from the issue of this order before the Information Commissioner, Central Information Commissioner, Room No.326, II<sup>nd</sup> Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066.

**(Dr. Vijay Rai)**

**First Appellate Authority/MS RTRM Hospital**

F.No.RTRMH-I/6/RTI Appeal No.10/2013-14/

Dated :

**Copy to :**

1. Shri Adish Malik, R/o 74, Old Roshan Pura, Najafgarh, New Delhi-110043.
2. PIO, RTRM Hospital.
3. PA to FAA/MS, RTRM Hospital.

**(Dr. Vijay Rai)**

**First Appellate Authority/MS RTRM Hospital**

<b>RTI Appeal No. 9</b>
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**GOVT. OF NCT OF DELHI  
OFFICE OF THE MEDICAL SUPERINTENDENT  
RAO TULA RAM MEMORIAL HOSPITAL  
JAFFARPUR, NEW DELHI-110073**

F.No.RTRMH-I/6/RTI Appeal No.9/2013-14/20947-49

Dated: 30/11/2013

**ORDER**

An appeal dated 06/11/2013 filed by Shri Satvinder Kharb, under Section 19 of the RTI Act, 2005 regarding his RTI Application (ID No.74) was heard on 30/11/2013 at 10:00 A.M. by the undersigned in his capacity as First Appellate Authority under the same Act. The Appellant, the PIO and APIO were present in the hearing.

The appellant in his appeal had stated that he was not satisfied with the information provided by the PIO. He was given an opportunity to specifically state the reasons of his dissatisfaction and any particular answer that he thought was incorrectly replied. He stated that his needs were not fulfilled through RTI as he wanted a certificate regarding immunization of his child against Polio to be submitted to Brazilian Embassy for visa. The PIO clarified that RTI Act was meant to provide information only and that all questions were replied on facts available in the hospital.

After hearing the appellant and going through the replies provided to him by the PIO, I am satisfied that the RTI questions were properly addressed and adequately answered and appeal was disposed off. The appellant was however advised to approach the office of the Medical Superintendent for his specific needs regarding issuance of certificate for the services rendered to his child which is otherwise available free of cost in case he applies for the same in writing along with evidence of having availed the service.

In case, the appellant is not satisfied with decision, he may file a Second Appeal under RTI Act, 2005 within 90 days from the issue of this order before the Information Commissioner, Central Information Commissioner, Room No.326, II<sup>nd</sup> Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066.

**(Dr. Vijay Rai)**  
**First Appellate Authority/MS RTRM Hospital**

F.No.RTRMH-I/6/RTI Appeal No.9/2013-14/

Dated :

**Copy to :**

1. Shri Satvinder Kharb S/o Shri Satvir Singh Kharb, H.No.-60, VPO-Mundhela Kalan, New Delhi-110073.
2. PIO, RTRM Hospital.
3. PA to FAA/MS, RTRM Hospital.

**(Dr. Vijay Rai)**  
**First Appellate Authority/MS RTRM Hospital**

## RTI Appeal No 8

**GOVT. OF NCT OF DELHI  
OFFICE OF THE MEDICAL SUPERINTENDENT  
RAO TULA RAM MEMORIAL HOSPITAL  
JAFFARPUR, NEW DELHI-110073**

F.No.RTRMH-I/6/RTI Appeal No.8/2013-14/20266-68

Dated: 11/11/2013

### **ORDER**

An appeal dated 17/10/2013 filed by Shri Gajraj Singh Tomer, under Section 19 of the RTI Act, 2005 regarding his RTI Application (ID No.67 & 68) was heard on 08/11/2013 at 10:45 A.M. by the undersigned in his capacity as First Appellate Authority under the same Act. The Appellant, the PIO and APIO were present in the hearing.

Attention of the appellant was drawn to his letter dated 17/10/2013 wherein he had mentioned that PIO had refused to answer to his RTI. His contention however was found to be incorrect and his request to punish the PIO for wrong information unfounded. The appellant expressed his regrets.

Attention of the appellant was also drawn to PIO's reply dated 12/9/2013 wherein he was requested to specify the public interest and to minimize and prioritize his questions taking care that it does not violate the provisions of Section 2 (f) and 7 (9) of RTI Act. He could not give a satisfactory answer as to why he failed to follow the advice of PIO. The appellant sought another opportunity to do the same and was given the liberty to reframe the RTI questions and to re-submit the same on lines suggested by PIO, who is directed to respond to the said RTI within three weeks of receipt of said RTI.

The undersigned advised the appellant, who the PIO informed to be a frequent appellant, to be respectful to the Public Authorities under RTI Act and refrain from insinuating, any insulting and / or derogatory remarks in his communication.

The appeal was accordingly disposed off.

In case, the appellant is not satisfied with decision, he may file a Second Appeal under RTI Act, 2005 within 90 days from the issue of this order before the Information Commissioner, Central Information Commissioner, Room No.326, II<sup>nd</sup> Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066.

(Dr. Vijay Rai)

First Appellate Authority/MS RTRM Hospital

F.No.RTRMH-I/6/RTI Appeal No.8/2013-14/

Dated :

**Copy to :**

1. Shri Gajraj Singh Tomer, R/o H.No.224, Shah Pur Jat, New Delhi-110049.
2. PIO, RTRM Hospital.
3. PA to FAA/MS, RTRM Hospital.

(Dr. Vijay Rai)

First Appellate Authority/MS RTRM Hospital

<b>RTI Appeal No. 7</b>
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**GOVT. OF NCT OF DELHI  
OFFICE OF THE MEDICAL SUPERINTENDENT  
RAO TULA RAM MEMORIAL HOSPITAL  
JAFFARPUR, NEW DELHI-110073**

F.No.RTRMH-I/6/RTI Appeal No.7/2013-14/20278-80

Dated: 09/11/2013

**ORDER**

An appeal dated 12/10/2013 filed by Shri Satbir Singh, under Section 19 of the RTI Act, 2005 regarding his RTI Application (ID No.69) was heard on 08/11/2013 at 10:00 A.M. by the undersigned in his capacity as First Appellate Authority under the same Act. The Appellant, the PIO and APIO were present in the hearing.

The appellant requested that he may be provided copies of MLC documents and Medical Treatment Records of Mr.Vikas S/o Shri Narender, Mr.Monu S/o Shri Radhey Sham , Mr. Navin S/o Shri Ratti Ram and Mr. Anil Kumar S/o Shri Satbir Singh that he had sought under his RTI application. He stated that he had been provided MLC document and Medical Treatment Record of his son Mr. Anil and Mr. Navin S/o Shri Narender only. But the MLC document and Medical Treatment Record in respect of Mr.Vikas S/o Shri Narender, Mr.Monu S/o Shri Radhey Sham had not been provided.

Regarding pending MLC documents under RTI Act PIO drew the attention of chair to CIC decision in Appeal No.2159/ICPB/2008 F.No.PBA/07/1273 dated 13/06/2008. The operative part of decision was read out by the PIO which is quoted as below :

*“.... I have gone through the reports prepared by the AIIMS myself and it is very clear that these reports are prepared by AIIMS on behalf of the Police Authorities and are always given to the Police. They are not kept in custody of AIIMS. In case if the appellant needs this report, he has to approach the respective Police Department and request for the report. It is also brought to the notice during the hearing, the Police uses these reports in the courts to defend the legal cases and I, therefore, suggest in case if the appellant is very much interested in such report, he should implead himself before the respective court and request them to provide these reports. The court will direct the concerned department, either the Hospital or the Police to provide these reports and it is not possible for the Commission to give any direction to the CPIO to supply medico legal reports as requested by the appellant. Therefore the appeal is rejected.”*

After hearing both the parties and after going through the contents of order of CIC, I am of the view that MLC reports as sought by the appellant can not be provided, but other details like MLCs No. and Police Station, etc. may be provided to the appellant by the PIO within 2 days from issue of this order as the appellant expressed his desire to pursue the matter further legally. The appeal was accordingly disposed off. Request of the appellant that he be handed over the papers in person was granted.

In case, the appellant is not satisfied with decision, he may file a Second Appeal under RTI Act, 2005 within 90 days from the issue of this order before the Information Commissioner, Central Information Commissioner, Room No.326, II<sup>nd</sup> Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066.

F.No.RTRMH-I/6/RTI Appeal No.7/2013-14/

**Copy to,**

1. Shri Satbir Singh, R/o Village-Jhul Jhuli near Malkhan House, TV Tower, P.O.-Ghuman Hera, New Delhi-110073.
2. PIO, RTRM Hospital.
3. PA to FAA/MS, RTRM Hospital.

**(Dr. Vijay Rai)**  
**First Appellate Authority/MS RTRM Hospital**  
Dated :

**(Dr. Vijay Rai)**  
**First Appellate Authority/MS RTRM Hospital**

<b>RTI Circular</b>
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**GOVERNMENT OF NCT OF DELHI  
OFFICE OF THE MEDICAL SUPERINTENDENT  
RAJOTULARAM MEMORIAL HOSPITAL  
JAFFARPUR, NEW DELHI-110073**

F.No.RTRMH-I/6/RTI/18/2013-14/18261-66 Dated: 28-09-2013

**CIRCULAR**

**Subject : Delhi High Court's decision in LPA No.618/2012 dated 6/11/2012 in the matter of disclosure of information under provisions of RTI Act, relating to disciplinary matters.**

The attention is drawn to the judgement/order passed by the Hon'ble High Court of Delhi dated 6/11/2012 in LPA No.618/2012 in the case of UPSC Vs R.K.Jain in which the issue of disclosure of information / documents under the provisions of RTI Act, pertaining to Vigilance/Disciplinary proceeding (including orders of Disciplinary Authority) has been considered by the Hon'ble Court.

The Hon'ble Court in its Judgement, has observed that :

*“The counsel for the respondent has argued that in the case before the Supreme Court the CIC itself had denied the information while in the present case CIC itself has allowed the information. To our mind the same is irrelevant. The counsel for the respondent has next sought to take us through the reasoning given by the learned Single Judge. However in the light of the dicta aforesaid of the Supreme Court and which if applicable to the facts of the present case is binding on this Bench, we are not required to go into the correctness or otherwise of the reasoning given by the learned Single Judge. Faced therewith the counsel for the respondent has lastly contended that the appellant UPSC in the present case is not the employer of the officer Shri G.S. Narang, information pertaining to whom was sought and the principle laid down by the Supreme Court is applicable to the employer only. We however fail to see the difference. The ratio of the dicta aforesaid of the Supreme Court is that the disciplinary orders and the documents in the course of disciplinary proceedings are personal information within the meaning of Section 8(1)(j) and the disclosure of which normally has no relationship to any public activities or public interest and disclosure of which would cause unwarranted invasion of the privacy of an individual. Though the appellant UPSC is not the employer of Shri G.S. Narang, information pertaining to whom is sought by the respondent, but his employer had sought the advice/opinion/recommendation of*



*the appellant UPSC in the matter of disciplinary proceedings against the said Shri G.S. Narang and we fail to see as to how it makes a difference whether the information relating to disciplinary proceedings is sought from the employer or from the consultant of the employer. What is exempt in the hands of the employer would certainly be exempt in the hands of consultant of the employer also. The advice given by the appellant UPSC would necessarily pertain to the disciplinary action against Shri G.S. Narang. Section 8(1)(j) exempts from disclosure personal information, irrespective of with whom it is possessed and from whom disclosure thereof is sought”.*

Contd....page 2

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*“The respondent at no stage set-up a case of the said personal information being required in public interest. In fact when we asked the counsel for the respondent as to what was the public interest in which the said personal information was sought, he replied by stating that an information seeker under the Act is not required to state the reasons for seeking the information. That being the position, the need for any discussion further on the said aspect does not arise.”*

*“We therefore, following the dicta in **Girish Ramchandra Deshpande**, set aside the judgment dated 13th July, 2012 of the learned Single Judge and allow the writ petition preferred by the appellant UPSC, consequently setting aside the order dated 12th January, 2011 of the CIC”.*

Accordingly, all HODs of the Hospital are requested to observe the order of Hon'ble Court, who may take cognizance of the same while replying the RTI applications relating to disclosure of documents/information pertaining to Vigilance/Disciplinary proceeding (including orders of Disciplinary Authority).

**(Dr. Sangeeta Basu)**  
**Public Information Officer**

F.No.RTRMH-I/6/RTI/18/2013-14/Dated:

Copy for information & necessary action to:

1. The HOO (Admn.), RTRM Hospital.

2. All the HODs,RTRMHospital.
3. Vigilance Officer,RTRMHospital.
4. Administrative Officer,RTRMHospital.
5. Nodal Officer (Website) for uploading the saidinformation on hospital website.
6. PA to MS,RTRMHospital.

<b>RTI Appeal No. 4</b>
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**OFFICE OF THE MEDICAL SUPERINTENDENT  
& OF THE FIRST APPELLANT AUTHORITY UNDER RTI ACT 2005  
RAO TULARAM MEMORIAL HOSPITAL  
JAFFARPUR, NEW DELHI-110073**

**F.No. RTRMH-I/6/RTI Appeal No.4/2013-14/18431 Dated : 25-9-13**

**ORDER**

An appeal dated 14-8-13 filed by Shri Adish Malik, under section 19 of the RTI Act, 2005 regarding his RTI Application (ID No. 57) was heard first by the undersigned on 03/09/2013 at 12:00 as First Appellate Authority under the same Act. The order of even number dated 12-9-13 vide which it was ordered that,

*“... the relevant file be presented before the FAA on next date of hearing on **16-9-13 at 12 noon** by the branch holding the file where the PIO will select those pages of the file that contain information covered under section 8 (1) (d) and 8 (1) (j) of the RTI Act 2005 to the satisfaction of FAA and provide the same there and then to the appellant. The appeal was therefore allowed to the extent stated above at no cost to the appellant.”*

As decided the appeal was heard again on 16/9/2013 at 12:00 Noon. The Appellant, the PIO, the APIO and the representative of purchase officer Sh. Suresh Tomar, Pharmacist were present. The concerned file No. F.RTRMH/IV/20/Store/50/2012-13 was presented before the FAA. The PIO was requested to show the papers in file that she felt were covered under section 8 (1) (d) and 8 (1) (j) of the RTI Act 2005. The PIO suggested that the papers submitted by the bidders to the tender committee were covered under the above sections. In addition she suggested that those papers that were already in public domain on the website like tender-form etc. may not be given. The appellant was asked to respond. He agreed but asked whether he will be provided all pages on noting side (green-sheets). The PIO replied in affirmative and accordingly it was ordered that

**“The PIO RTRMH will provide copies of all pages on the noting side of the file dealing with advertisement for tender for local chemist from pages 1/N to 24/N and copies of 20 pages of correspondence side in same file, except those that were filed by the bidders as part of their bids and thus likely to contain personal/third-party information. This will include all records/reports/tables created by the RTRMH office/branch concerned/committee etc. The PIO RTRMH will provide the certified copies of above papers to the appellant at no cost to him and within 7 days from issue of this order.”**

Accordingly, the appeal was disposed off. It is however, clarified that in case, the appellant is not satisfied with decision, he may file a Second Appeal under RTI Act, 2005 within 90 days from the issue of this order before the Central Information Commission, Room No.326, C-Wing, II<sup>nd</sup> Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066.

**(Dr. Vijay Rai)**

**First Appellate Authority/MSRTRM Hospital**

**F.No. RTRMH-I/6/RTI Appeal No.4/2013-14/Dated : 25-9-13**

Copy to,

1. Shri Adish Malik, R/o 74, Old Roshan Pura, Najafgarh, New Delhi-110043.
2. PIO, RTRM Hospital.
3. PA to FAA/MS, RTRM Hospital.

**(Dr. Vijay Rai)**

**First Appellate Authority/MSRTRM Hospital**

<b>RTI Appeal No. 6</b>
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**OFFICE OF THE MEDICAL SUPERINTENDENT  
& OF THE FIRST APPELLANT AUTHORITY UNDER RTI ACT 2005  
RAO TULA RAM MEMORIAL HOSPITAL  
JAFFARPUR, NEW DELHI-110073**

F.No.RTRMH-I/6/RTI Appeal No.6/2013-14/  
2013

18311Dated: 24-09-

**ORDER**

The appeal filed by Shri Gajraj Singh Tomer, under Section 19 of the RTI Act, 2005 w.r.t. his RTI Application (ID No.63) came up for hearing on 16/9/2013 at 3:30 PM but appellant requested to re-schedule it due to sickness. His request was granted and hearing was fixed next day i.e. 17/9/2013 at 3:30 PM vide order of even number dated 17-9-13 that was ordered to be service to him by special messenger.

The appeal against decision dated 23/8/2013 of the PIO, RTRMH was heard on 17-9-2013 in presence of the Appellant, the PIO and APIO. The appellant contended that the information sought by him did not fall under provisions of Section 8 (1) (j) of RTI Act, 2005. The PIO in response drew the attention to those RTI questions wherein the appellant had asked specific questions about the MS, RTRMH and Smt. Ritu Sharma, Staff Nurse and record of their phone calls etc. without specifying the public interest if any. The appellant was given an opportunity to state so. He informed that Mrs. Ritu Sharma, Staff Nurse had refused to give him Inj. Hepatitis B vaccine injection and he needed the reply to prove his complaint against her. The appellant was informed that the matter could be a subject of inquiry but not that of public interest. Observing that the PIO had replied to the questions that were not covered under Section 8 of RTI Act and devoid of merit the appeal was rejected with advice to the applicant not to use RTI as a tool for settling scores.

In case, however, if the appellant is not satisfied with decision, he can file a Second Appeal under RTI Act, 2005 within 90 days from the issue of this order before the Central Information Commission, Room No.326, C-Wing, II<sup>nd</sup> Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066.

**(Dr. Vijay Rai)**

**First Appellate Authority/MS RTRM Hospital**

F.No.RTRMH-I/6/RTI Appeal No.6/2013-14/18311

Dated: 24.09.2013

Copy to :

1. Shri Gajraj Singh Tomer, R/o H.No.-224, Shah Pur Jat, New Delhi-110049.
2. PIO, RTRM Hospital.
3. HOO with request to get the order uploaded on RTRMH web-site.
4. PA to FAA/MS, RTRM Hospital.

**(Dr. Vijay Rai)**  
**First Appellate Authority/MS RTRM Hospital**

<b>RTI Appeal No 3</b>
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**OFFICE OF THE MEDICAL SUPERINTENDENT  
& OF THE FIRST APPELLANT AUTHORITY UNDER RTI ACT 2005  
RAO TULA RAM MEMORIAL HOSPITAL  
JAFFARPUR, NEW DELHI-110073**

**F.No.RTRMH-I/6/RTI Appeal No.3/2013-14/17841-44**

**Dated: 13-9-2013**

**ORDER**

The appeal filed by Shri Adish Malik, under Section 19 of the RTI Act, 2005 regarding his RTI Application (ID No.50) had come up for hearing on 30/8/2013 earlier. The appellant had requested in writing on 29-8-13 to re-schedule this hearing as he was unable to attend due to some personal reasons, the request had been granted and hearing fixed for 6/9/2013 at 12:30 P.M vide my order of even number dated 4-9-13. The Appellant, the PIO and APIO were present.

The appellant with reference to his RTI Application (ID No. 50) had appealed against the decision of PIO dated 25/7/2013 contending that his said application did not fall under the provisions of Section 8 (1) (d) and 8 (1) (j) of RTI Act, 2005. In support of his argument he had referred to the decision of the CIC dated 17/12/2008 in (Ref.No.CIC/OK/A/2008/00764/SG/0593).

The PIO in response drew attention to another decision of the CIC dated 20/4/2006 (Ref. No. F.No.CIC/MA/A/ 2006/ 00050) wherein personal information like PAN etc. as recorded on bills/cash-memos etc. were considered third party information and hence more relevant to the RTI application of the appellant. PIO further stated that in the decision dated 17-12-2008 referred to by the appellant, the CIC had neither referred to earlier decision dated 20-4-2006 nor suppressed it and hence both were operative. The PIO argued that in the CIC order dated 17/12/2008, the CIC had put some conditions on the appellant to limit his requirements while asking for bills, processing sheets and payment vouchers etc. related to a third party, and therefore this was not universally applicable to all cases.

The PIO also informed that in reply to the appellant in his earlier RTI ID No.205 dated 4-2-13 these aspects including how the reply could alter the competitive position were explained since the appellant was related to one of the bidder companies.

It was observed that the RTI application under reference (ID-50) seeks information about cash memos/credit memos of all firms, including those firms to which appellant is also related, that had supplied laboratory reagents, surgical consumables, medicines and non-consumables etc. since 1/4/2012 on local purchase under GFR-145 and GFR-146. Merit was noted in the response of the PIO that the reply to these questions would affect the competitive position of a third party.

-2-

Based on the submissions by both parties viz. appellant and PIO, and after going through the material before me I am of the view that the appellant has not been able to make a case that the information asked by him is not covered under section 8 (1) (d) and 8 (1) (j) of RTI Act, 2005 and thus the appeal is liable to be rejected. The PIO had already provided him with 37 pages of material in response to the question 'd' of his RTI Application ID-50.

However, I am also of the view that there is nothing wrong on the part of the appellant to seek details of purchases made under GFR-145 and GFR-146 on contingent basis including the cost of items and total money spent on it since 1-4-2012 to 31-3-13, in case the appellant agrees, since this information is in public domain. The appellant agreed and accordingly it is ordered that PIO will provide the said information about all contingent purchases made under GFR-145 and GFR-146 from 1-4-2012 to 31-3-13 at no cost to the appellant within one month of this order making sure that nothing covered under Section 8 (1) (d) and 8 (1) (j) of RTI Act, 2005 is provided.

The appeal accordingly was disposed off.

It is however, clarified that in case, the appellant is not satisfied with decision, he may file a Second Appeal under RTI Act, 2005 within 90 days from the issue of this order before the Information Commissioner, Central Information Commissioner, Room No.412, Block-IV, 4<sup>th</sup> Floor, Old JNU Campus, New Delhi-110067.

**(Dr. Vijay Rai)**

**First Appellate Authority/MS RTRM Hospital**

**F.No.RTRMH-I/6/RTI Appeal No.3/2013-14/17841-44**

**Dated: 13-9-2013**

Copy to,

1. Shri Adish Malik, R/o 74, Old Roshan Pura, Najafgarh, New Delhi-110043.



2. PIO, RTRM Hospital.
3. Purchase Officer RTRMH
4. PA to FAA/MS, RTRM Hospital.

**(Dr. Vijay Rai)**

**First Appellate Authority/MS RTRM Hospital**

<b>RTI Appeal No. 5</b>
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**GOVT. OF NCT OF DELHI  
OFFICE OF THE MEDICAL SUPERINTENDENT  
RAO TULA RAM MEMORIAL HOSPITAL  
JAFFARPUR, NEW DELHI-110073**

**F.No.RTRMH-I/6/RTI Appeal No.5/2013-14/17774-76**

**Dated:12/9/2013**

**ORDER**

An appeal dated 14-8-13 filed by Shri Adish Malik, under section 19 of the RTI Act, 2005 regarding his RTI Application (ID No. 58) was heard on 06/09/2013 at 12:00 Noon by the undersigned in his capacity as First Appellate Authority under the same Act. The Appellant, the PIO and the APIO were present.

It was noted that the appellant had named the FAA along with PIO in his appeal for not providing the required information. The appellant was asked to clarify he could not give a satisfactory answer. He was informed that his appeal showed that he intended to bypass the FAA by making him a party and thus the appeal was not sustainable to be heard by the undersigned. The appellant expressed regret and requested that he be given an opportunity to revise his appeal. The appellant was allowed to amend his appeal and proceedings were adjourned for 20 minutes to facilitate him to amend his appeal. The appeal was heard again after 20 minutes of adjournment with the PIO and the appellant present. The amend in the appeal wherein the appellant withdrew the word 'You' from the phrase 'You/PIO' and hearing was resumed.

At the outset the PIO stated that the appellant had been informed in reference to his RTI application (ID-58) that the information sought by him involved third party information and hence the same had been denied.

The appellant was given an opportunity to explain as to why his appeal against the decision of PIO dated 8/8/2013 should be accepted when PIO had clarified already that information sought by him was third party information covered under Section 8 (1) (j) of RTI Act, 2005. The appellant stated that the letter issued to Mrs. Sarita Malik by the vigilance officer was now in public domain and hence the copies of papers from the relevant file should be provided to him. The reasoning given by the appellant was not considered appropriate as the matter dealt by the Vigilance Officer was specific to the request of Mrs. Sarita Malik and thus the matter as whole was specific to a third party.

In view of the fact that the appeal lacked sound reason and merit, and the information sought was covered under Section 8 (1) (j) of RTI Act, 2005 and the reference to the decision of the CIC dated 17-12-2008 was not appeared relevant in this case and hence the appeal was disposed off.

It is however, clarified that in case, the appellant is not satisfied with decision, he may file a Second Appeal under RTI Act, 2005 within 90 days from the issue of this order before the Information Commissioner, Central Information Commissioner, Room No.412, Block-IV, 4<sup>th</sup> Floor, Old JNU Campus, New Delhi-110067.

**(Dr. Vijay Rai)**  
**First Appellate Authority/MS RTRM Hospital**

**F.No.RTRMH-I/6/RTI Appeal No.5/2013-14/1774-76**

**Dated :12/9/2013**

**Copy to,**

1. Shri Adish Malik, R/o 74, Old Roshan Pura, Najafgarh, New Delhi-110043.
2. PIO, RTRM Hospital.
3. PA to FAA/MS, RTRM Hospital.

**(Dr. Vijay Rai)**

**First Appellate Authority/MS RTRM Hospital**