



प्रगति की ओर अग्रसर  
Urge to stay Ahead

इरकॉन इन्टरनेशनल लिमिटेड  
सिविल, मैकेनिकल, इलक्ट्रिकल, कम्यूनिकेशनस्, और टर्नकी कान्ट्रैक्टर्स  
(भारत सरकार का उपक्रम)



## IRCON INTERNATIONAL LIMITED

Civil, Mechanical, Electrical, Communication and Turnkey Contractors  
(A Govt. of India Undertaking)

### OFFICE OF THE APPELATE AUTHORITY

NO. IRCON/PIO/CO/RTI/05/685/ 758

Dated: 17.05.2016

Name of Applicant

: Smt. Babita Singh

By Post

### ORDER

#### I. Chronological Date-wise events:

➤ Date of Application	:	26.04.2016
➤ Date of receipt of Application by CPIO	:	02.05.2016
➤ Reply of CPIO	:	04.05.2016
➤ Date of Appeal	:	12.05.2016
➤ Date of receipt of Appeal	:	16.05.2016

#### II. Grounds of Appeal:

Applicant has made an appeal on the grounds that information supplied by CPIO vide letter dated 04.05.2016 against RTI application dated 26.04.2016 is not correct and clear. The grounds of the appeal are "प्रार्थिया ने अपने पति के वेतन मे से 1/2 भाग वास्ते भरण पोषण, इलाज व अन्य खर्चो हेतु मांग की है कोई कटौती के लिए आवेदन नहीं किया है। अलावा इसके सक्षम अधिकारी महोदय ने यह भी स्पष्ट नहीं किया है की वेतन का 1/2 भाग किस आधार पर पति वरुण कुमार सिंह के वेतन मे से दिया जा सकता है तथा यह भी स्पष्ट नहीं किया है की इरकॉन कंपनी को पति के वेतन मे उकट स्थिति मे पत्नी को वास्ते भरण पोषणवेतन का कुछ हिस्सा दिया जा सकता है या नहीं, यदि नहीं तो किस आदेश / शासनादेश के अंतर्गत नहीं दिया जा सकता है।"

#### III. Discussions:

1. Applicant is advised that in terms of Section 2(f) of RTI Act 2005, extracted as under, applicant can be supplied the information which is available and can be access by the public authority.

"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"

प्रेषित / Dispatched

दिनांक / Date 19/5/16

हस्ता. / Sign.

इरकॉन / IRCON

रजि. कार्यालय : सी-4, डिस्ट्रिक्ट सेंटर, साकेत, नई दिल्ली-110017, भारत  
Regd. Office : C-4, District Centre, Saket, New Delhi-110017, INDIA  
Tel. : +91-11-29565666 Fax : +91-11-26854000, 26522000  
E-mail : info@ircon.org Web : www.ircon.org  
CIN - U45203DL1976GOI008171



2. From the above it is clear that under RTI, public authority is not required to give any opinion/advise in the matter. From the grounds of the appeal it is clear that applicant is seeking advise/opinion, which is beyond the scope of RTI Act.

3. In order to substantiate the above, please refer to the case of CBSE Vs Aditya Bandopadhyay, wherein Hon'ble Supreme Court in Civil Appeal No.6454 of 2011 mentioned that:

“It is necessary to clear some misconceptions about the RTI Act. The RTI Act provides access to all information that is available and existing. This is clear from a combined reading of section 3 and the definitions of 'information' and 'right to information' under clauses (f) and (j) of section 2 of the Act. If a public authority has any information in the form of data or analyzed data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in section 8 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the Public authority, to collect or collate such non-available information and then furnish it to an applicant. A public authority is also not required to furnish information which require drawing of inferences and/or making of assumptions. 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.

4. IPO No. 36F 481770 of Rs.10/- sent by the applicant along with the appeal is returned as applicant is not required to deposit any fees while making an appeal against the orders of the CPIO.

#### IV. Decision

From the grounds of the appeal it is clear that applicant is seeking opinion/advises from the Public Authority, which is beyond the scope of RTI Act. Hence information sought by the applicant cannot be supplied. Appeal is disposed of.

Encl.: As above.



(Anil Jain)

Appellate Authority &  
Executive Director (Works)

#### Address of the parties

1. Smt. Babita Singh, W/o Shri Varun Kumar Singh, House No. 226-E/E, TRD Railway Colony, Bharatpur – 321001 (Rajasthan).