

ACTION HISTORY OF RTI REQUEST No.FSOID/R/T/24/00014

Applicant Name

Kumar Kalbande

Text of Application

Respected CPIO, MOEFCC, IP Bhavan New Delhi Please find the attachment. From Page No 23 to 25- Chronological Sequence of Events leading to temporary disability it is mentioned that 1) . His case of temporary disability may be challenged/referred to central government benches at Safdarjung Hospital or AIIMS (New Delhi) for re- examination of his temporary disability 2) Further, to avoid joining at Kolkata, he raised an issue that the office of the Kolkata is at 3rd floor and do not have functional lift. In this regard, Regional Director, Kolkata have confirmed that the office has a ramp and washroom facilities at ground floor as well as one suitable room is also available for attending office. this clearly indicates that, by one or the other pretext Sh. Kalbande is avoiding joining at his place of posting. (Whereas I have photo and audio recording staff of FSI Kolkatta that it is non generator room used for dead stock before 11/11/2023) In this regards please provide following information under RTI 1) true copies of submission done by your office to support the claim 2) true copies of all the related documents including Notesheet 3) True copies of Names of Empanelled Hospital)Medical Authority(Such as Chief Civil Surgeon in my case at Nagpur) from where the Staff of MOEFCC has done their medical verification for joining I am ready to pay legal charges

Reply of Application

please find attachment for sought information

SN.	Action Taken	Date of Action	Action Taken By	Remarks
1	RTI REQUEST RECEIVED	22/02/2024	Nodal Officer	MOENF/R/E/24/00223
2	REQUEST FORWARDED TO CPIO	23/02/2024	Nodal Officer	Forwarded to CPIO(s) : (1) Kamal Pandey
3	REQUEST TRANSFERRED TO OTHER CPIO	26/02/2024	Kamal Pandey- (CPIO)	Transferred to CPIO(s) : (1) B H Naik
4	REQUEST DISPOSED OF	20/03/2024	Kamal Pandey- (CPIO)	

Print

केन्द्रीय सूचना आयोग
Central Information Commission
बाबा गंगनाथ मार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नई दिल्ली, New Delhi – 110067

File Nos. : CIC/MOENF/A/2023/608903
CIC/MOENF/A/2023/603459
CIC/FSOID/A/2023/609550
CIC/FSOID/A/2023/611538
CIC/FSOID/A/2023/647520

Kumar Kalbande

.....अपीलकर्ता/Appellant

VERSUS
बनाम

CPIO,
Ministry of Environment Forest
and Climate Change, I P Bhavan,
Jor Bagh Road, New Delhi – 110003

CPIO,
Forest Survey of India,
Kaulagarh Road,
Dehradun – 248195

CPIO,
Forest Survey Of India,
Central Zone, CGO Complex,
Block A, Ground Floor,
Seminary Hills, Nagpur - 440006

....प्रतिवादीगण /Respondents

Date of Hearing : 07-02-2024
Date of Decision : 19-02-2024

INFORMATION COMMISSIONER : Vinod Kumar Tiwari

The above-mentioned second appeals are clubbed together as the Appellant is common and subject-matter is similar in nature and hence are being disposed of through a common order.

Relevant facts emerging from appeal:

RTI application filed on : 02-01-2023; 31-08-2022; 14-01-2023; 21-08-2023
CPIO replied on : 27-01-2023; 22-09-2022; 31-01-2023, 13.02.2023 & 02-03-2023; 28-08-2023
First appeal filed on : 29-01-2023; 22-09-2022; 06-02-2023; 29-08-2023
First Appellate Authority's order : 15-02-2023; 01-12-2022; 20-02-2023 & 22-02-2023; 05-10-2023
2nd Appeal/Complaint dated : NIL

CIC/MOENF/A/2023/608903

Information sought:

The Appellant filed an RTI application dated 02.01.2023 seeking the following information:

"Description of Information Sought

Respected CPIO, MOEFCC

Please find the attachment. It is an Office Memorandum of DOPT No 43011-35-2022-Estt(Res II) dated 8 December 2022 which is marked to Honorable Secretary MOEFCC New Delhi

Provide me information under RTI Act 2005 regarding following

- 1) Provide me information related to further correspondence/action initiated on this letter by your Ministry*
- 2) Provide me information regarding letter has been marked to Grievance Redressal Officer as per Disability Act 2016 Section 23*
- 3) Provide me true copies of all the related documents along with Note-sheet through email*

I am ready to pay legal charges

You may also give me information in hands after sending it through email. I am requesting Nodal officer kindly do not forward it to FSI Dehradun. Office memorandum is marked to Secretary MOEFCC New Delhi."

The CPIO furnished a reply to the Appellant on 27.01.2023 stating as under:

"The said O.M. not received in this Division through proper channel."

Being dissatisfied, the appellant filed a First Appeal dated 29.01.2023. The FAA vide its order dated 15.02.2023, upheld the reply of CPIO.

CIC/MOENF/A/2023/603459

The Appellant filed an RTI application dated 31.08.2022 seeking the following information:

"Respected CPIO, MoEFCC, New Delhi

Please refer to letter no F No 17017-06-2022-BMH dated 19 July 2022.

Please provide me information under RTI act 2005 regarding following

- 1. what action is taken on the letter mentioned above*
- 2. Provide true copies of all the related documents including Note-sheet."*

The CPIO furnished a reply to the Appellant on 22.09.2022 stating as under:

"CPIO, SCMD has NIL information."

Being dissatisfied, the appellant filed a First Appeal dated 22.09.2022. The FAA vide its order dated 01.12.2022, held as under:-

"The appeal was examined. It has been found that CPIO has provided correct information as per the records available with the division. However, after receiving the appeal, efforts was made to trace the attached document, to ascertain the information requested. It has been found the matter referred by the appellant pertains to Forest Survey of India (FSI) and accordingly CPIO - SCMD has been directed to forward the application to FSI for their early perusal."

CIC/FSOID/A/2023/609550

Information sought:

The Appellant filed an RTI application dated 14.01.2023 seeking the following information:

“Respected CPIO FSI

This is regards with ISFR

Under RTI Act 2005 kindly provide me following information which is not available in ISFR available on your website.

1) Interpreter for Gujarat State for ISFR 2013 3015 2017 2019 2021.

2) Allotment of Scenes to each individuals for Gujarat for ISFR 2019 and 2021.

3) District wise change in Scrub for Gujarat State for ISFR 2009 2011 2013 2015 2017 2019 and 2021 and Reason for changes in Scrub.

4) There is change in Forest Cover of each District of Gujarat if compare to 2017 to 2019 irrespective of Real Change. Provide me difference.

of forest cover of Dense Forest Moderately Dense Forest and Open Forest Category of each district and reason for change.

5) Total category wise forest cover of each district of Gujarat State Outside the Reserved Forest Area.

6) True Copies of Ground Truth Verification done for cycle 2021/22 for each state and person who carried out ground truthing with respect to states for central zone.

7) Total Number of patches for which ground truth verification for cycle 2021/22 of each state for central zone.

8) Correction Factor used for area statistics calculated for ISFR 2021/22.

9) Qualification of entire Staff engaged in ISFR Since 2009 to till date.”

The CPIO furnished a reply to the Appellant on 31.01.2023 stating as under:

“उपरोक्त विषय के संदर्भ में सूचित किया जाता है कि Sh. Kumar Kalbande, Maharashtra की RTI आवेदन संख्या FSOID/R/T/23/00010 दिनांक 14.01.2023 के क्रम में मांगी गई प्रश्न संख्या 1,2,6 और 7 की जानकारी केंद्रीय अंचल, नागपुर से संबधित है, प्रश्न संख्या 8 और 9 स्पष्ट नहीं है एवं प्रश्न संख्या 3,4 और 5 की जानकारी भारतीय वन सर्वेक्षण की वेबसाइट पर उपलब्ध है।”

The CPIO, Forest of India, Nagpur furnished a point-wise reply to the Appellant on 13.02.2023 stating as under:

“1. Shri Kumar Kalbande, JTA was allotted FCM work of Gujarat State for 14th cycle vide Office order No.47 dated 11.04.2014. Information pertains to other periods are not available in this office.

2. The information sought is not available in this office.

3. The information sought is available in the ISFR of respective years published by the DG, FSI, Dehradun which is available online in the public domain of DG,FSI, Dehradun.”

The CPIO, Forest of India, Nagpur furnished a point-wise reply to the Appellant on 02.03.2023 stating as under:

“With reference to your above mentioned RTI application, the reply to point No.1 to 3 was already furnished to you vide letter No.417-06/1015 dated 13.02.2023 (copy enclosed). However, reply to point No.4 to 9 were left out in this office letter dated 13.02.2023 is given as under;

Point No.4. The information sought is available in the ISFR of respective years published by the DG, FSI, Dehradun which is available online in the public domain of DG,FSI, Dehradun,

5. State-wise information is available in the ISFR of respective years,

6. Information for cycle 2021-22 is not available,

7. Information for cycle 2021-22 is not available,

8. Correction factor is not a part of present methodology.

9. As the applicant is a third party the information is rejected for disclosure under Rule 8 (1) (j) of RTI Act, 2005.”

Being dissatisfied, the appellant filed a First Appeal dated 06.02.2023. The FAA vide its order dated 20.02.2023, upheld the reply of CPIO.

CIC/FSOID/A/2023/611538

Information sought:

The Appellant filed an RTI application dated 14.01.2023 seeking the following information:

“Respected CPIO FSI

This is regards with ISFR

Under RTI Act 2005 kindly provide me following information which is not available in ISFR available on your website

- 1) Interpreter for Gujarat State for ISFR 2013 3015 2017 2019 2021.
- 2) Allotment of Scenes to each individuals for Gujarat for ISFR 2019 and 2021.
- 3) District wise change in Scrub for Gujarat State for ISFR 2009 2011 2013 2015 2017 2019 and 2021 and Reason for changes in Scrub.
- 4) There is change in Forest Cover of each District of Gujarat if compare to 2017 to 2019 irrespective of Real Change. Provide me difference of forest cover of Dense Forest Moderately Dense Forest and Open Forest Category of each district and reason for change.
- 5) Total category wise forest cover of each district of Gujarat State Outside the Reserved Forest Area.
- 6) True Copies of Ground Truth Verification done for cycle 2021/22 for each state and person who carried out ground truthing with respect to states for central zone.
- 7) Total Number of patches for which ground truth verification for cycle 2021/22 of each state for central zone.
- 8) Correction Factor used for area statistics calculated for ISFR 2021/22.
- 9) Qualification of entire Staff engaged in ISFR Since 2009 to till date.”

The CPIO furnished a reply to the Appellant on 13.02.2023 stating as under:

“1. Shri Kumar Kalbande, JTA was allotted FCM work of Gujarat State for 14th cycle vide Office order No.47 dated 11.04.2014. Information pertains to other periods are not available in this office.

2. The information sought is not available in this office.

3. The information sought is available in the ISFR of respective years published by the DG, FSI, Dehradun which is available online in the public domain of DG, FSI, Dehradun.”

Being dissatisfied, the appellant filed a First Appeal dated 13.02.2023. The FAA vide its order dated 22.02.2023, held as under:-

“This has reference to Shri Kumar Kalbande's First Appeal cited above regarding non- receipt of reply on time. In this connection, it is informed that the CPIO of this office has already furnished you the reply vide his letter No.E-417-06/1015 dated 13.02.2023 within the timeline. However, it is learnt that the information regarding point No. 4 to 9 were left out in the reply inadvertently.

In this regard, the CPIO concerned has been directed to provide the available information to you, which were not provided in earlier reply, as per the provisions of the RTI Act. 2005.”

The CPIO furnished a point-wise reply to the Appellant on 02.03.2023 stating as under:

“With reference to your above mentioned RTI application, the reply to point No.1 to 3 was already furnished to you vide letter No.417-06/1015 dated 13.02.2023 (copy enclosed). However, reply to point No.4 to 9 were left out in this office letter dated 13.02.2023 is given as under;

Point No.4. The information sought is available in the ISFR of respective years published by the DG, FSI, Dehradun which is available online in the public domain of DG,FSI, Dehradun,

5. State-wise information is available in the ISFR of respective years,

6. Information for cycle 2021-22 is not available,

7. Information for cycle 2021-22 is not available,

8. Correction factor is not a part of present methodology.

9. As the applicant is a third party, the information is rejected for disclosure under Rule 8 (1) (j) of RTI Act,2005.”

CIC/FSOID/A/2023/647520

The Appellant filed an RTI application dated 21.08.2023 seeking the following information:

“Please find the attachment. In attachment the following para is mentioned

Shri Kalbande has been allegedly posted and distributed pamphlets on character of wife of Shri Agarkar. Shri Agarkar has filed comp Police Station regarding this. Photograph posted on pamphlets taken by Shri Kumar Kalbande during FSI training in Dehradun in Inquiry is in progress on above issue.

Under RTI Act 2005:-

- 1) Provide True copy of Police Station report submitted by Shri Agarkar.
- 2) Provide the true copy of marriage certificate submitted by Shri Agarkar in office.
- 3) Provide me exact dates of FSI Training in 2012 and true copies of statement of witness.
- 4) Provide me Joining and Leaving period of Shri Agarkar as TA and service period As Dy Ranger.
- 5) Provide me true copies of all the relevant documents of inquiry in progress including chargesheet.
- 6) Provide me permission taken by Shri Agarkar before filing police complaint of his senior who is central government employee.
- B) Provide me copy of experience certificate provided by Shri Agarkar for Dy Ranger post.
- 9) Provide me post address of Shri Agarkar Resident.”

The CPIO furnished a point-wise reply to the Appellant on 28.08.2023 stating as under:

- “1) Information not available.*
- 2) Information not available.*
- 3) Information not available*
- 4) Information rejected for disclosure under Section 8 (1) (j) of RTI Act, 2005.*
- 5) Information not available.*
- 6) Information not available*
- 7) Information not available*
- 8) Information rejected for disclosure under Section 8 (1) (j) of RTI Act, 2005.*
- 9) Information rejected for disclosure under Section 8 (1) (j) of RTI Act, 2005.”*

Being dissatisfied, the appellant filed a First Appeal dated 29.08.2023. The FAA vide its order dated 05.10.2023, held as under:-

“With reference to Shri Kumar Kalbande's First Appeal cited above, it is stated that in reply to your above cited RTI request, the CPIO of this office has already given the available information vide letter cited above and the same is upheld.

As regards information in respect of point No.1 of your RTI request, you are informed that the required information i.e. true copy of police station report submitted by Sh. Agarkar is not available in this office. It is informed to you that you should avoid the involving this in your personal matters on day-to-day basis.”

Feeling aggrieved and dissatisfied, appellant approached the Commission with the instant Second Appeals.

Relevant Facts emerged during Hearing:

The following were present:-

Appellant: Present through Video-Conference.

Respondent: Respondent No. 1 Shri B R Meena, CPIO and Shri A K Verma, SO present in person and Shri Arup Kumar Bhattacharya, Under Secretary & CPIO and Shri Sundeep, FAA present in person. Respondent Nos. 2 and 3 Shri Kamal Pandey, Dy. Director & CPIO and Shri B H Naik, Assistant Director present through Video-Conference.

The written submissions of the Appellant and the Respondent are taken on record.

In file No. CIC/MOENF/A/2023/608903:

The Appellant reiterated the contents of his written submission filed prior to hearing by *inter alia* stating as under -

"...1. The Appellant, is employed as JTA in the Forest Survey of India under the Ministry of Environment and Forests and happens to be a Person with Locomotor Disability and is a Gay individual as well. The facts in brief are to the effect that the Appellant was discriminated on the ground of his gender identity and disability by his superiors in the office on alleged refusal sexual favors demanded by the Regional Director (Mr. Chatubhuj Behera) as per records made by non applicant attached below. Consequently, he was transferred to Forest Survey of India, Kolkata in absolute violation of the DOPT's Office Memorandum regarding transfer of employees with disabilities. The aforesaid actions inter-alia are in absolute violation of the Transgender Persons (Protection of Rights) Act, 2019, Rights of Persons with Disabilities Act, 2016 and Constitutional Rights Guaranteed through SC Judgment of Putty Swami, Nalsa vs Union of India, Navtej Singh Johar & Ors. v. Union of India & The Appellant has not received his salaries since last three (03) years 1 month and consequently suffering unimaginable agony and distress.

2. The Appellant approached the DOPT with his grievances against the present Respondent pertaining to the discrimination at workplace and illegal transfers and the DOPT was pleased to issue an Office Memorandum No. 43011/35/2022 Estt (Res-11) dated 8th December 2022 clearly stating that

the employees with disabilities are entitled to posted near to their hometown and cannot be transferred in such a manner. The copy of the said O.M. was addressed to the Secretary, Ministry of Environment, Forest and Climate Change, New Delhi. However, no remedial steps were taken by the present Respondent in view of the said O.M.

3. Aggrieved by the inaction at the part of the Respondents, the Appellant preferred an application under the RTI Act for the following information:

"1) Provide me information related to further correspondence/ action initiated on this letter by your Ministry.

2) Provide me information regarding letter has been marked to Grievance Redressal Officer as per Disability Act 2016 Section 23

3) Provide me true copies of all the related documents along with the Notesheet through email"

4. However, the CPIO did not provide the information to the Appellant and gave a very vague reply vide updated dated 02.01.2023 stating "The said O.M. not received in this Division through proper channel.

5. The Appellant being aggrieved and unsatisfied by the reply provided by PIO approached the First Appellate Authority specifically submitting that since the said O.M. has been sent to the Secretary in the Ministry, it must be there in some or the other division and therefore the information ought to be provided to him".

Per contra, the Respondent invited attention of the Commission towards his written submission, relevant extracts of which are reproduced below -

"The Applicant, not satisfied with the reply of the then CPIO, made the first appeal to the First Appellate Authority (FAA) on 29.01.2023. The then FAA disposed of the appeal on 15.02.2023 accordingly as per the provisions of the RTI Act, 2005 the reply of FAA (A-II).

"The concerned CPIO & US(FE) in the MoEF&CC has replied RTI request on the basis of available records. Accordingly, first online disposed of. In case

Appellant is not satisfied with this reply, he has the right to approach CIC, New Delhi within 30 days" - Asha Chauhan, FAA & Director, MoEFCC, New Delhi

4. The Applicant is employee of Forest Survey of India (FSI), a Junior Technical Assistant, who has been transferred from FSI, Nagpur office to FSI, Kolkata office in July, 2021. He has not joined duty at FSI, Kolkata office till date and enquiry in three disciplinary proceedings are already going on against the appellant as per the information submitted by Forest Survey of India, Dehradun (A-III).

5. It is submitted that transfer and positing of FSI employee is looked after by the FSI, Dehradun.

6. The RTI applicant Shri Kumar Kalbande has filed many RTI's applications at FSI and Ministry from March 2021 to till date seeking various information and submitted in-front of the Hon'ble CIC that Shri Kumar Kalbande is Habitual RTI applicant who never satisfies with the reply given by public authority. Numerous complaints have also been sent to Hon'ble President, Prime Minister's Office, Ministers, VIPs, Court of Chief Commissioner for Persons with Disabilities (Divyangjan), National Commission for Backward Classes, National Human Rights Commission etc. by Shri Kumar Kalbande.

Prayer:

As per the available records, the OM of DoPT No. 43011/35/2022. Estt(Res- II) dt. 08/12/2022 has not received at Forest Establishment Division, MoEFCC, New Delhi.

However, the present CIPO and US(FE) has taken cognizance of the OM of DoPT no.43011/35/2022. Estt (Res-II) dt. 08/12/2022 and the DOPT OM dt. 08/12/2022, will send to FSI, Dehradun after obtaining approval of competent authority"

In file No. CIC/MOENF/A/2023/603459:

The Appellant while reiterating the contents of his RTI application, instant appeal and written submissions submitted that no information has been provided to him by the Respondent till date. The Appellant requested the Commission to intervene and direct the Respondent to provide complete information as per his RTI application.

Per contra, the Respondent invited attention of the Commission towards his written submission, relevant extracts of which are reproduced below -

“The CPIO has received the RTI application from Shri Kumar Kalbande, quarter no. 1 type 4 CPWD Block 66, Opp IBM Civil Lines, Nagpur 440001 (RTI registration No. MOENF/R/T/22/00240 dated 31.08.2022). The application was disposed of by the CPIO on 22.09.2022 by mentioning that the CPIO SCMD has ‘Nil’ information. 2. The aforesaid RTI application had only one page of reference of MHA and CPIO had not received any annexure (Copy enclosed). 3. Again Shri Kalbande has sent his appeal (MoENF/A/E/22/00171 dated 22.09.2022) wherein the FAA had disposed of that application by stating “The appeal was examined. It has been found that CPIO has provided correct information as per the records available with the division. However, after receiving the appeal, efforts was made to trace the attached document, to ascertain the information requested. It has been found the matter referred by the appellant pertains to Forest Survey of India (FSI) and accordingly, CPIO-SCMD has been directed to forward the application to FSI for their early perusal.” 4. The representation has been collected from MHA. Accordingly, the CPIO has sent Office Memorandum to DG-FSI by forwarding the representation of Shri Kalbande JTA –FSI on 02.12.2022 with a request for early perusal of this matter and for appropriate action”.

On query from the Commission, the Respondent submitted that they have forwarded the RTI application of the Appellant and the OM dated 19.07.2022 to the Forest Survey of India on 21.12.2022 and the same were not transferred under Section 6(3) of the RTI Act.

In file No. CIC/FSOID/A/2023/609550 heard with file No. CIC/FSOID/A/2023/611538

The Appellant while reiterating the contents of his RTI applications, instant appeal and written submissions submitted that complete and correct information has not been provided to him by the Respondents till date. The Appellant requested the Commission to intervene and direct the Respondent to provide complete information as per his above-mentioned RTI applications.

Per contra, the Respondent No. 2 invited attention of the Commission towards his written submission, relevant extracts of which are reproduced below -

“1. Shri Kumar Kalbande's (Appellant) RTI application No FSOID/R/E/23/00010 dated 14.01.2023 seeking information on 9 points under RTI Act 2005 was duly

responded to by the CPIO Dehradun on 31.01.2023 with information available to him

2. Since the part information was pertaining to Central Zone of FSI, Nagpur, the RTI was partially transferred to CPIO (Forest Survey of India, Central Zone office, Nagpur) by CPIO (Dehradun) on 30.01.2023 on the basis of information received from respective section.

3. The Appellant, not satisfied with the reply of CPIO, made the first appeal to the First Appellate Authority (FAA) on 06.02.2023. The FAA disposed of the appeal on 20.02.2023 accordingly as per the provisions of the RTI Act, 2005.

4. The Appellant is a Jr. Tech. Assistant, who has been transferred from FSI, Nagpur office to FSI, Kolkata office in July, 2021. But he has not joined duty at FSI, Kolkata office till date and he is unauthorizedly absent from the duty. An enquiry in three disciplinary proceedings is going against the appellant and on one or other pretext the appellant is trying to avoid the scheduled enquiries.

5. He has filed more than 150 RTI's in FSI (Dehradun & other 4 regional offices) from March 2021 to till date, seeking information after information as a habitual RTI applicant who never satisfies with the reply given by public authority.

6. At FSI (Dehradun), Appellant has filed 88 RTI Applications till date. Of these 88 RTI's, he has raised First Appeal on 33 RTIs and Second Appeal on 8 RTIs (Attachment-1). It is also informed that on many occasions he has invoked clause on 'life and liberty' from section 7(1) of the RTI Act 2005 without justifying the grounds (imminent danger to life and liberty that may lead death or grievous injury).

7. It is informed that most of the RTIs filled by the Appellant under RTI Act, 2005 have been related to complaints made by him to various authorities/departments of GOI As a result, the public authorities (FAA/CPIO) of the organisation have been continuously engaged in providing responses/reply to the Appellant under the RTI act, 2005.

8. This has affected the functioning of the office as well as day to day working of the organisation”.

Further, the Respondent No. 3 invited attention of the Commission towards his written submission, relevant extracts of which are reproduced below –

“With reference to the above cited Notices of hearing in the Second Appeal filed by Sh. Kumar Kalbande (Appellant), the following submissions are made for kind consideration;

At the outset, it is submitted that the appellant Sh. Kumar Kalbande is an ex-employee of this office who has been transferred from this office to Forest Survey of India, Eastern Zone, Kolkata and relieved from this office on 30.07.2021. However, he is unauthorizedly absent since then and has not joined his duty till date.

The appellant has been chargesheeted for the following charges and the departmental enquiries are going on:

1) Complaint of Sexual Harassment of Women at Workplace. 2) Securing job in Forest Survey of India, Central Zone, Nagpur with fake experience certificate.

3) Unauthorized absence from duty since 04.12.2020 and not joining duty at new place of posting.

The appellant Sh. Kumar Kalbande has so far filed 75 RTI applications to this office. Besides above, he has filed 39 First Appeals, and many Second Appeals to the Commission. He has also filed several complaints against this office to various Authorities of Government of India, Government of Maharashtra and also filed a number of Grievances/Appeals in CP Gram portals with concocted stories fabricated by him with distorted facts. He is a habitual complainant and misuse the provisions of RTI Act to intimidate the Officers and officials for taking disciplinary action against him.

As regards his second Appeal against RTI queries under registration No. FSOID/R/E/23/00010 and FSOID/R/E/23/00010/1 dated 14.01.2023, it is submitted that both the applications were addressed to the public authority of Forest Survey of India, Dehradun who in turn transferred the same to this office u/s 6(3) of the Act, and received in this office on 30.01.2023. It is submitted that the content of both the applications are same.

While replying to his RTI application No. FSOID/R/E/23/00010 dated 14.01.2023, out of the 9 points queries, this office vide letter No. E-417-06/1015 dated 13.02.2023 replied to only 03 points due to oversight (copy enclosed). Further reply to point no 4 to 9 were given to the appellant vide letter No. E-417-06/1112 dt 02.03.2023 (copy enclosed).

As regards the information sought by the appellant, it is submitted as below:-

Point No. 1: The available information has been provided to the appellant vide letter No.E.417-06/1015 dated 13.02.2023.

Point No. 2: Since the information sought is not available the applicant was informed accordingly vide letter No. 1015 dated. 13.02.2023.

No. 3: The applicant has been informed vide letter No-1015 dtd 13.02.2023 that the required information is available in the India State of Forest Reports (ISFR) of respective years published by Ministry of Environment, Forest and Climate Change, New Delhi and available in the public domain of Director General, FSI, Dehradun.

Point No.4 & 5: The applicant has been informed vide letter No. E-417-06/1112 dated 02.03.2023, that the information sought is available in the ISFR of Ministry of Environment Forest & Climate Change, New Delhi and available in the public domain of DG, FSI, Dehradun.

Point No. 6&7: The applicant has been informed vide letter No. E-417-06/1112 dated 02.03.2023 that the information sought is not available in the records of this office.

Point No. 8: No such information is maintained and available on record. Divulging the personal details such as qualifications of employees working in office to a third-party stand exempted from disclosure under section 8 (1) (i) of RTI Act.2005."

Upon being queried from the Commission, the Respondent clarified that the Appellant has not been recruited under PWD category but claims to acquire disability after he failed to comply with transfer orders.

In file No. CIC/FSOID/A/2023/647520:

The Appellant while reiterating the contents of his RTI application, instant appeal and written submissions submitted that complete and correct information has not been provided to him by the Respondent till date. The Appellant requested the Commission to intervene and direct the Respondent to provide complete information as per his RTI application.

Per contra, the Respondent No. 3 invited attention of the Commission towards his written submission, relevant extracts of which are reproduced below -

““With reference to the above cited Notices of hearing in the Second Appeal filed by Sh. Kumar Kalbande (Appellant), the following submissions are made for kind consideration;

At the outset, it is submitted that the appellant Sh. Kumar Kalbande is an ex-employee of this office who has been transferred from this office to Forest Survey of India, Eastern Zone, Kolkata and relieved from this office on 30.07.2021. However, he is unauthorizedly absent since then and has not joined his duty till date.

The appellant has been chargesheeted for the following charges and the departmental enquiries are going on:

1) Complaint of Sexual Harassment of Women at Workplace. 2) Securing job in Forest Survey of India, Central Zone, Nagpur with fake experience certificate.

3) Unauthorized absence from duty since 04.12.2020 and not joining duty at new place of posting.

The appellant Sh. Kumar Kalbande has so far filed 75 RTI applications to this office. Besides above, he has filed 39 First Appeals, and many Second Appeals to the Commission. He has also filed several complaints against this office to various Authorities of Government of India, Government of Maharashtra and also filed a number of Grievances/Appeals in CP Gram portals with concocted stories fabricated by him with distorted facts. He is a habitual complainant and misuse the provisions of RTI Act to intimidate the Officers and officials for taking disciplinary action against him.

As regards his second Appeal against RTI queries under registration No. FSOID/R/E/23/00065 dated 21.08.2023, it is submitted that reply to 09 point information sought by the applicant was given to the appellant vide Nter No. E-417/06/494 dtd. 28.08.2023 (copy enclosed).

regards the information sought by the appellant, it is submitted as below:-

Point No. 1: The information sought regarding Police Station Report submitted by Sh. Parikshit Agarkar, Deputy Ranger, is not available in the records of this office.

Point No. 2: Sh.P.Agarkar, Dy.Ranger has not submitted his marriage certificate to this office. Hence the information sought is not available.

Point No. 3: This office has not conducted any FSI training in the year 2012 as stated by the appellant. Also, this office has not conducted any enquiry against

the appellant for any incident occurred in 2012. Hence the information is not available.

Point No.4. Sh.P.Agarkar is working in this office as Deputy Ranger since 05.02.2018 onwards. Service particulars of an employee cannot be shared to a third party and hence rejected for disclosure u/s 8(1)(j) of RTI Act, 2005.

Point No. 5. This office has not conducted any enquiry against the appellant for any incident occurred in 2012. Hence the information is not available.

Point No. 6. No such information is available in the records of this office.

Point No.8. Copy of experience certificate submitted to this office by Sh. Agarkar being his personal record, rejected for disclosure u/s 8(1)(j) of RTI Act, 2005.

Point.No.9. Postal address of Sh. Agarkar being his personal information, rejected for disclosure under section 8(1)(j) of RTI Act, 2005.

The motive of the appellant is to harass the public authority with vexatious, offensive and repeated request misusing the provisions of RTI Act. Public authority can only provide information which is held and available.”

Decision:

At the outset, the Commission observes from the list submitted by the Respondents regarding details of numerous RTI applications and first appeals filed by the Appellant which are reproduced as under:

Sr.No.	Registration No.	Name	Current Status of Request	Received	Closing date
2	MOENF/R/E//24/00127	Kumar Kalbande	Request transferred to other public authority	01/02/2024	02/02/2024
29	MOENF/R/T/24/00002	Kumar Kalbande	Request transferred to other public authority	01/01/2024	03/01/2024
31	MOENF/R/E/23/01304	Kumar Kalbande	Request transferred to other public authority	21/12/2023	27/12/2023

43	MOENF/R/T/23/00436	Kumar Kalbande	Request transferred to other public authority	22/11/2023	23/11/2023
44	MOENF/R/T/23/00435	Kumar Kalbande	Request transferred to other public authority	21/11/2023	23/11/2023
52	MOENF/R/E/23/01143	Kumar Kalbande	Request transferred to other public authority	01/11/2023	06/11/2023
53	MOENF/R/T/23/00407	Kumar Kalbande	Request transferred to other public authority	29/10/2023	06/11/2023
55	MOENF/R/E/23/01060	Kumar Kalbande	Request transferred to other public authority	03/10/2023	09/10/2023
57	MOENF/R/E/23/01036	Kumar Kalbande	Request transferred to other public authority	28/09/2023	05/10/2023
82	MOENF/R/E/23/00587	Kumar Kalbande	Request transferred to other public authority	31/05/2023	16/06/2023
91	MOENF/R/E/23/00474	Kumar Kalbande	Request Disposed of	06/05/2023	07/07/2023
99	MOENF/R/E/23/00338	Kumar Kalbande	Request transferred to other public authority	04/04/2023	06/04/2023
110	MOENF/R/E/23/00275	Kumar Kalbande	Request transferred to other public authority	17/03/2023	06/04/2023
136	MOENF/R/E/23/00166	Kumar Kalbande	Request Disposed of	13/02/2023	03/04/2023
160	MOENF/R/E/23/00004	Kumar Kalbande	Request Disposed of	02/01/2023	27/01/2023
161	MOENF/R/E/23/00003	Kumar Kalbande	Request Disposed of	02/01/2023	27/01/2023
162	MOENF/R/E/23/00005	Kumar Kalbande	Request Disposed of	02/01/2023	27/01/2023

163	MOENF/R/E/23/00006	Kumar Kalbande	Request Disposed of	02/01/2023	27/01/2023
164	MOENF/R/E/22/01441	Kumar Kalbande	Request Disposed of	31/12/2022	27/01/2023
165	MOENF/R/E/22/01434	Kumar Kalbande	Request transferred to other public authority	29/12/2022	02/01/2023
166	MOENF/R/E/22/01437	Kumar Kalbande	Request transferred to other public authority	29/12/2022	02/01/2023
167	MOENF/R/E/22/01435	Kumar Kalbande	Request transferred to other public authority	29/12/2022	02/01/2023
170	MOENF/R/E/22/01395	Kumar Kalbande	Request transferred to other public authority	25/12/2022	29/12/2022
171	MOENF/R/F/3301300	Sunanda Kalbande	Request transferred to other public authority	25/12/2022	28/12/2022
172	MOENF/R/E/22/01396	Kumar Kalbande	Request transferred to other public authority	25/12/2022	28/12/2022
173	MOENF/R/E/22/01394	Kumar Kalbande	Request transferred to other public authority	25/12/2022	28/12/2022
174	MOENF/R/E/22/01397	Kumar Kalbande	Request transferred to other public authority	25/12/2022	28/12/2022
190	MOENF/R/X/22/00046	Kumar Kalbande	Request transferred to other public authority	28/11/2022	05/12/2022
193	MOENF/R/E/22/01275	Kumar Kalbande	Request Disposed of	27/11/2022	06/12/2022
204	MOENF/R/E/22/01228	Kumar Kalbande	Request Disposed of	18/11/2022	06/12/2022

230	MOENF/R/P/22/00328	Kumar Kalbande	Request Disposed of	28/07/2022	01/08/2022
239	MOENF/R/E/22/00734	Kumar Kalbande	Request transferred to other public authority	09/07/2022	11/07/2022
248	MOENF/R/E/22/00665	Kumar Kalbande	Request transferred to other public authority	25/06/2022	28/06/2022
249	MOENF/R/E/22/00661	Kumar Kalbande	Request Disposed of	24/06/2022	06/07/2022
250	MOENF/R/E/22/00658	Kumar Kalbande	Request Disposed of	24/06/2022	14/07/2022
251	MOENF/R/E/22/00660	Kumar Kalbande	Request Disposed of	24/06/2022	28/06/2022
252	MOENF/R/E/22/00659	Kumar Kalbande	Request Disposed of	24/06/2022	28/06/2022
253	MOENF/R/E/22/00652	Kumar Kalbande	Request transferred to other public authority	22/06/2022	24/06/2022
255	MOENF/R/E/22/00650	Kumar Kalbande	Request transferred to other public authority	22/06/2022	24/06/2022
259	MOENF/R/E/22/00578	Kumar Kalbande	Request transferred to other public authority	10/06/2022	17/06/2022
264	MOENF/R/T/22/00138	Kumar Kalbande	Request transferred to other public authority	26/05/2022	31/05/2022
265	MOENF/R/E/22/00512	Kumar Kalbande	Request Disposed of	23/05/2022	26/05/2022
267	MOENF/R/T/22/00116	Kumar Kalbande	Request transferred to other public authority	17/05/2022	23/05/2022
268	MOENF/R/T/22/00117	Kumar Kalbande	Request transferred to other public authority	17/05/2022	23/05/2022
269	MOENF/R/T/22/00112	Kumar Kalbande	Request transferred to other public authority	11/05/2022	19/05/2022

276	MOENF/R/E/22/00361	Kumar Kalbande	Request Disposed of	15/04/2022	19/04/2022
277	MOENF/R/E/22/00358	Kumar Kalbande	Request Disposed of	13/04/2022	04/05/2022
280	MOENF/R/E/22/00308	Kumar Kalbande	Request transferred to other public authority	30/03/2022	01/04/2022
292	MOENF/R/T/22/00025	Kumar Kalbande	Request transferred to other public authority	08/02/2022	10/02/2022

S.No.	Appeal Number	Name	Received Date	Request Number
1	FSOID/A/E/22/00002 (D)	Kumar Kalbande	28.02.2022	FSOID/R/E/22/00002
2	FSOID/A/E/22/00013 (D)	Kumar Kalbande	23.06.2022	FSOID/R/T/22/00008
3	FSOID/A/E/22/00020 (D)	Kumar Kalbande	08.07.2022	FSOID/R/E/22/00033
4	FSOID/A/E/22/00021 (D)	Kumar Kalbande	08.07.2022	FSOID/R/E/22/00031
5	FSOID/A/E/22/00026 (D)	Kumar Kalbande	24.07.2022	FSOID/R/E/22/00030
6	FSOID/A/E/22/00027 (D)	Kumar Kalbande	24.07.2022	FSOID/R/E/22/00035
7	FSOID/A/E/22/00028 (D)	Kumar Kalbande	27.07.2022	FSOID/R/T/22/00017
8	FSOID/A/E/22/00029 (D)	Kumar Kalbande	04.08.2022	FSOID/R/T/22/00018
9	FSOID/A/E/22/00031 (D)	Kumar Kalbande	18.08.2022	FSOID/R/T/22/00022
10	FSOID/A/E/22/00032 (D)	Kumar Kalbande	24.08.2022	FSOID/R/E/22/00041
11	FSOID/A/E/22/00033 (D)	Kumar Kalbande	24.08.2022	FSOID/R/T/22/00016
12	FSOID/A/E/23/00005 (D)	Kumar Kalbande	29.01.2023	FSOID/R/T/23/00004
13	FSOID/A/E/23/00006 (D)	Kumar Kalbande	29.01.2023	FSOID/R/T/23/00003
14	FSOID/A/E/23/00007 (D)	Kumar Kalbande	29.01.2023	FSOID/R/T/23/00005
15	FSOID/A/E/23/00011 (D)	Kumar Kalbande	06.02.2023	FSOID/R/E/23/00010
16	FSOID/A/E/23/00013 (D)	Kumar Kalbande	07.02.2023	FSOID/R/E/23/00081
17	FSOID/A/E/23/00016 (D)	Kumar Kalbande	09.03.2023	FSOID/R/E/23/00020
18	FSOID/A/E/23/00017 (D)	Kumar Kalbande	09.03.2023	FSOID/R/E/23/00017
19	FSOID/A/E/23/00020 (D)	Kumar Kalbande	22.03.2023	FSOID/R/E/23/00025
20	FSOID/A/E/23/00022 (D)	Kumar Kalbande	16.04.2023	FSOID/R/E/23/00030
21	FSOID/A/E/23/00026 (D)	Kumar Kalbande	31.05.2023	FSOID/R/E/23/00044
22	FSOID/A/E/23/00027 (D)	Kumar Kalbande	12.06.2023	FSOID/R/E/23/00043
23	FSOID/A/E/23/00032 (D)	Kumar Bhaskar Kalbande	05.08.2023	FSOID/R/E/23/00035
24	FSOID/A/E/23/00033 (D)	Kumar Kalbande	06.08.2023	FSOID/R/E/23/00057
25	FSOID/A/E/23/00043 (D)	Kumar Kalbande	22.10.2023	FSOID/R/T/23/00034/2
26	FSOID/A/E/23/00046 (D)	Kumar Kalbande	22.10.2023	FSOID/R/E/23/00077
27	FSOID/A/E/23/00049 (D)	Kumar Kalbande	01.11.2023	FSOID/R/E/23/00036
28	FSOID/A/E/23/00051 (D)	Kumar Kalbande	16.12.2023	FSOID/R/E/23/00096/1
29	FSOID/A/E/24/00002	Kumar Kalbande	26.01.2024	FSOID/R/E/23/00107/1

30	FSOID/A/E/24/00003	Kumar Kalbande	26.01.2024	FSOID/R/E/23/00110/1
31	FSOID/A/E/24/00004	Kumar Kalbande	28.01.2024	FSOID/R/E/23/00103
32	FSOID/A/E/24/00005	Kumar Kalbande	30.01.2024	FSOID/R/E/24/00017
33	FSOID/A/E/24/00006	Kumar Kalbande	30.01.2024	FSOID/R/E/24/00015/1

The Commission further observes that more than 10 second appeals have been filed by the same Appellant on similar subject matter. In this regard, a reference of the list of cases is given below:

Sl. No.	Case No.	Public Authority	Order date	Decision uploaded on
1	CIC/FSOID/A/2023/601307	Forest Survey of India, Dehradun	24/03/2023	28/03/2023
2	CIC/FSOID/A/2022/646680	Forest Survey of India, Dehradun	24/03/2023	28/03/2023
3	CIC/FSOID/A/2022/656883	Forest Survey of India, Dehradun	24/03/2023	28/03/2023
4	CIC/FSOID/A/2022/657816	Forest Survey of India, Dehradun	24/03/2023	28/03/2023
5	CIC/FSOID/A/2022/660640	Forest Survey of India, Dehradun	24/03/2023	28/03/2023
6	CIC/FSOID/A/2022/628278	Forest Survey of India, Dehradun	01/09/2022	05/09/2022
7	CIC/FSOID/A/2022/628269	Forest Survey of India, Dehradun	01/09/2022	05/09/2022
8	CIC/FSOID/A/2022/628273	Forest Survey of India, Dehradun	01/09/2022	05/09/2022
9	CIC/FSOID/A/2021/636746	Forest Survey of India, Dehradun	06/06/2022	06/06/2022

The Commission, before proceeding to deal with each Second Appeal of the Appellant, deems it is necessary to reproduce the brief sequence of events which are submitted by the Respondent Public Authority:

Chronological sequence of Events leading to temporary disability of Kumar Kalbande, JTA, FSI, Kolkata.

Date	Event/Activity
11.05.2009	<p>a. Sh. Kumar Kalbande appointed as Deputy Ranger in Forest Survey of India, Regional Office (Central), Nagpur.</p> <p>b. It may be noted that <u>his appointment is not under persons with disability (PWD) category.</u></p> <p>c. He got promoted as Junior Technical Assistant (JTA) in 2017.</p>

May 2009 to July 2021	a. He was posted in <u>Nagpur office for almost 12 years.</u>
30.07.2021	<p>a. He was transferred from FSI Regional Office (Nagpur) to Regional Office (Kolkata). But he has neither joined at Kolkata office, nor made any efforts to join Kolkata office till date.</p> <p>b. It may be noted that he was transferred along with 04 other employees. All (except Sh. Kalbande) have joined their respective place of postings.</p> <p>c. FSI, HQ and Regional Director (Eastern), Kolkata have repeatedly informed him to join at his place of posting.</p>
16.08.2021	<p>a. First RTI filed by Sh. Kumar Kalbande to FSI HQ (Dehradun).</p> <p>b. So far, he has filed more than 160 RTI's (88 RTIs in FSI-Dehradun; 80 RTIs in FSI-Nagpur). This does not include RTIs filed by him in MoEF&CC.</p> <p>c. Sh. Kalbande has been filing RTIs seeking information after information as habitual RTI applicant who is never satisfied with the replies of PIOS.</p> <p>d. Sh. Kalbande has a tendency to write emails to all the senior officers of Ministry (including Hon'ble Minister & Secretary). The email is always a bulky document having 3-5 (or more) attachments in it. Thereafter, he seeks immediate reply from each CPIO of MoEF&CC and FSI on that email in the form of RTI, with a question that what action has been taken on his email.</p>
11.05.2022	<p>a. To avoid the joining at his place of posting i.e. Kolkata, Sh. Kumar Kalbande produced a certificate of temporary disability with 50% locomotor disability (dated 11.05.2022, valid up to 11.05.2024), after 09 months of his transfer, which is questionable.</p> <p>b. As Sh. Kumar Kalbande is able to drive vehicle, walk without any hindrance despite of claiming 50 percent locomotor disability, it was requested to the Medical Superintendent, Government Medical College, Nagpur to re-examine Sh. Kalbande by constituting Medical Board. But till today he has not appeared for his re-examination.</p> <p>c. His case of temporary disability may be challenged/referred to central government benches at Safdarjung Hospital or AIIMS (New Delhi) for re- examination of his temporary disability.</p> <p>d. Further, to avoid joining at Kolkata, he raised an issue that the office of the Kolkata is at 3rd floor and do not have functional lift. In this regard, Regional Director, Kolkata have confirmed that the office has a ramp and washroom facilities at ground floor as well as one suitable room is also available for attending office. this clearly indicates that, by one or the other pretext Sh. Kalbande is avoiding joining at his place of posting.</p>

23.12.2022	<p>a. He had filed O.A. No. 514/2021 Kumar Kalbande Vs. UOI & Ors in the CAT, Nagpur against his transfer, in which the CAT rejected his prayer for interim relief. After that he had filed Writ Petition No. 3967/2021 Kumar Kalbande Vs. UOI & Ors in the Hon'ble High Court, Nagpur challenging his transfer order. In this case the Hon'ble Court has upheld the transfer order issued by Director General, Forest Survey of India.</p> <p>b. Hon'ble CAT, Nagpur in its final order dated 23.12.2022 disposed the O.A. no. 514/2021 (Kumar Kalbande Vs. UOI & Ors) stating that <i>"Since the applicant's Writ Petition challenging the same transfer order as has been challenged in the present O.A., has already been rejected by the High Court order in the Writ Petition No. 3967/2021 dated 27.10.2021, nothing survives at this stage in this in this O.A. for adjudication by the Tribunal."</i></p> <p>c. Despite the order of the Hon'ble High Court and Hon'ble CAT Sh. Kumar Kalbande did not join his place of posting. On the contrary he represented all the authorities for the cancellation of his transfer order.</p>
01.08.2023	<p>a. Vide FSI letter no. 13-15/2022-Admin-Part-1810 dated 01.08.2023, Sh. Kumar Kalbande was asked to appear in the Govt. Medical College & Hospital, Nagpur for re-examination of his Temporary disability after receiving communication from Government Medical College, & Hospital, Nagpur that Sh Kalbande can come for re-examination. but it is learnt from Regional Director, FSI-Nagpur that Sh. Kalbande have not appeared in the Govt. Medical College & Hospital for re-examination.</p> <p>b. He was again informed to appear before medical board of Govt. Medical College & Hospital, Nagpur for temporary disability re-examination and also Ehler-Danlos syndrome and hypermobility syndrome as claimed by Sh. Kumar Kalbande.</p> <p>c. He is regularly avoiding such re-examinations/tests of his temporary disability.</p> <p>d. His case of temporary disability may be challenged/referred to central government benches at Safdarjung Hospital or AIIMS (New Delhi) for re- examination of his temporary disability.</p>
<p>03 Charge Sheets have been issued to Sh. Kumar Kalbande on</p> <ol style="list-style-type: none"> 1. Complaint of Sexual Harassment of Women at Workplace; 2. Securing job in Forest Survey of India, Regional Office (Central), Nagpur with fake experience certificate signed by his father who was working in the Forest Department of Government of Maharashtra; 3. Unauthorized absence from duty since 04.12.2020 and not joining duty at new place of posting. 	

It is pertinent to mention that, by one or the other pretext, Sh. Kumar Kalbande tries to avoid scheduled enquiry dates.

Numerous Baseless Complaints Of Sh. Kumar Kalbande:- Numerous baseless and false complaints have also been sent to Ministers, VIPs, Court of Chief Commissioner for Persons with Disabilities (Divyangjan), NHRC, National Commission for Backward Classes, National Human Rights Commission etc. by the appellant.

VIP references of Sh. Kumar Kalbande:-

S.No.	Description (VIP references)	Action taken by FSI
1	Sh. Nitin Gadkari Ji-02 references	Reply has been sent on time.
2	Sh. Devendra Fadnavis Ji-01 reference	Reply has been sent on time.
3	Sh. Krupal Jee Tumane Ji-01 reference	Reply has been sent on time.
4	National Human Rights Commission	Reply has been sent on time.
5	Shri Hansraj Gangaram Ahir-01	Reply has been sent on time.
6	The Court of Chief Commissioner for Persons with Disabilities (Divyangjan)	Reply has been sent on time.
7	National Commission for Backward Classes	Reply has been sent on time.

Case-wise observations/directions:

CIC/MOENF/A/2023/608903:

The Commission after adverting to the facts and circumstances of the case, hearing both the parties and perusal of the records, observes that the core contention raised by the Appellant in the instant appeal was non-receipt of information from the CPIO. On the other hand, the Respondent contended that factual position in the matter has already been informed to the Appellant that *"The said O.M. not received in this Division through proper channel."* The Respondent further contended that original OM was not received in their office from DoP&T, as the same was received along with RTI application of the Appellant.

Upon perusal of the records, the Commission observes that the response given by the Respondent is as per the provisions of the RTI Act.

Nonetheless, to address the contentions of the Appellant, the Commission, taking a liberal view in the spirit of RTI Act, observes that the Respondent has now received the *Office Memorandum of DOPT No 43011-35-2022-Estt(Res II) dated 8 December 2022 which is marked to Honorable Secretary MOEFCC New Delhi*, along with the RTI application of the Appellant, therefore, in the interest of justice, the Respondent is directed to re-examine the RTI application dated 02.01.2023 of the Appellant and give updated revised reply/information, as per the provisions of the RTI Act, within a period of six weeks from the date of receipt of this order. The Respondent is at the liberty to verify the genuineness of the OM of DoPT as annexed to the RTI application before complying with the directions of the Commission.

CIC/MOENF/A/2023/603459:

The Commission, after advertent to the facts and circumstances of the case, hearing both the parties and perusal of the records, observes that the core contention raised by the Appellant in the instant appeal was non-receipt of information from the CPIO. On the other hand, the Respondent contended that factual position in the matter has already been informed to the Appellant that "*CPIO, SCMD has NIL information.*" However, the same was forwarded to the CPIO, FSI for early disposal.

Upon perusal of the records, the Commission observes that the response given by the Respondent is not as per the provisions of the RTI Act, as merely forwarding the RTI application to another CPIO does not suffice the purpose of the RTI Act.

The Commission further observes that the Respondent has informed that the information sought pertains to some other department i.e. FSI which has its own set up to deal with RTI applications. It is also noted that the Appellant is an employee of FSI. Since the matter is already delayed, therefore, taking a liberal view in the spirit of RTI Act, directs the Respondent to take assistance under Section 5(4) of the RTI Act from the concerned CPIO and collect information as sought in the RTI application and provide reply/information to the Appellant, as per the provisions of the RTI Act, within a period of four weeks from the date of receipt of this order.

CIC/FSOID/A/2023/609550; CIC/FSOID/A/2023/611538:

The Commission after adverting to the facts and circumstances of the case, hearing both the parties and perusal of the records, observes that the core contention raised by the Appellant in the instant appeals was non-receipt of complete information from the CPIO. On the other hand, the Respondents contended that complete point-wise reply/information, as per the documents available on record has already been provided to the Appellant.

Upon perusal of the records, the Commission observes that the response given by the Respondent is as per the provisions of the RTI Act, as complete information has already been provided to the Appellant.

The Appellant is not satisfied with the response given by the Respondent on point No. 6 of the RTI application i.e. *True Copies of Ground Truth Verification done for cycle 2021/22 for each state and person who carried out ground truthing with respect to states for central zone*. And he insisted for inspection of records.

In this regard, the Commission finds no infirmity in the reply as the same was found to be in consonance with the provisions of RTI Act.

CIC/FSOID/A/2023/647520:

The Commission after adverting to the facts and circumstances of the case, hearing both the parties and perusal of the records, observes that the core contention raised by the Appellant in the instant appeal was non-receipt of information from the CPIO. On the other hand, the Respondent contended that point-wise reply/information, as per the documents available on record and as per the provisions of the RTI Act has been provided to the Appellant.

From the perusal of records, the Commission observes that information sought by the Appellant vide his RTI application has already been provided to him as per the provisions of the RTI Act and as per the documents available on record.

In this regard, the Commission finds no infirmity in the reply as the same was found to be in consonance with the provisions of RTI Act.

The Commission finds it pertinent to mention that records reveal that more than 150 RTI applications and more than 10 second appeals have been filed by the same Appellant on similar subject matter and today also five second appeals are being heard. In this regard, a reference of the list of cases is given below:

Sl. No.	Case No.	Public Authority	Order date	Decision uploaded on
1	CIC/FSOID/A/2023/601307	Forest Survey of India, Dehradun	24/03/2023	28/03/2023
2	CIC/FSOID/A/2022/646680	Forest Survey of India, Dehradun	24/03/2023	28/03/2023
3	CIC/FSOID/A/2022/656883	Forest Survey of India, Dehradun	24/03/2023	28/03/2023
4	CIC/FSOID/A/2022/657816	Forest Survey of India, Dehradun	24/03/2023	28/03/2023
5	CIC/FSOID/A/2022/660640	Forest Survey of India, Dehradun	24/03/2023	28/03/2023
6	CIC/FSOID/A/2022/628278	Forest Survey of India, Dehradun	01/09/2022	05/09/2022
7	CIC/FSOID/A/2022/628269	Forest Survey of India, Dehradun	01/09/2022	05/09/2022
8	CIC/FSOID/A/2022/628273	Forest Survey of India, Dehradun	01/09/2022	05/09/2022
9	CIC/FSOID/A/2021/636746	Forest Survey of India, Dehradun	06/06/2022	06/06/2022

Thus, it appears that the Appellant has been repeatedly seeking information on the same subject matter thus wasting the time and resources of Public Authority. Such repetitive litigation is counter-productive to the RTI regime and this aspect has been discussed by the Apex Court in great detail in the case of **Ashok Kumar Pandey vs. The State of West Bengal**, (AIR 2003 SC 280 Para 11), where J. Pasayat had held:

".....It is depressing to note that on account of such trumpety proceedings initiated before the Courts, innumerable days are wasted, which time otherwise could have been spent for the disposal of cases of the genuine litigants. Though we spare no efforts in fostering and developing the laudable concept of PIL and extending our long arm of sympathy to the poor, the ignorant, the oppressed and the needy whose fundamental rights are infringed and violated and whose grievances go unnoticed, unrepresented and unheard; yet we cannot avoid but

expressing our opinion that while genuine litigants with legitimate grievances relating to civil matters involving properties worth hundreds of millions of rupees and criminal cases in which persons sentenced to death facing gallows under untold agony and persons sentenced to life imprisonment and kept in incarceration for long years, persons suffering from undue delay in service matters, Government or private, persons awaiting the disposal of case... .. etc. etc. are all standing in a long serpentine queue for years with the fond hope of getting into the Courts and having their grievances redressed, the busybodies, meddlesome interlopers, wayfarers or officious interveners having absolutely no public interest except for personal gain or private profit either of themselves or as proxy of others or for any other extraneous motivation or for glare of publicity break the queue muffing their faces by wearing the mask of public interest litigation and get into the Courts by filing vexatious and frivolous petitions and thus criminally waste the valuable time of the Courts, as a result of which the queue standing outside the doors of the Courts never moves, which piquant situation creates frustration in the minds of the genuine litigants and resultantly they lose faith in the administration of our judicial system.....”

Emphasis supplied

It is also pertinent to note that the Hon’ble High Court of Madras in the case of **Public Information Officer, Registrar (Administration) Vs B Bharathi** [WP No. 26781/2013 dated 17.09.2014] has also given its opinion about such vexatious and repetitive litigation crippling the public authorities and held as follows:

“...The action of the second respondent in sending numerous complaints and representations and then following the same with the RTI applications; that it cannot be the way to redress his grievance; that he cannot overload a public authority and divert its resources disproportionately while seeking information and that the dispensation of information should not occupy the majority of time and resource of any public authority, as it would be against the larger public interest....”

Emphasis supplied

The Hon’ble Delhi High Court while deciding the case of **Shail Sahni vs. Sanjeev Kumar & Ors.** [W.P. (C) 845/2014] has also made similar observations:

“..... This Court is also of the view that *misuse of the RTI Act has to be appropriately dealt with, otherwise the public would lose faith and confidence in this “sunshine Act”.* A beneficial Statute, when made a tool for mischief and abuse must be checked in accordance with law.”

Emphasis supplied

In the other landmark judgement in the case of **Central Board of Secondary Education &Anr. Vs. Aditya Bandopadhyay & Ors.**, the Apex Court held as follows:

“...37. *Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties...*”

Emphasis supplied

The aforesaid dicta essentially proves that the misuse of RTI Act is a well recognized problem and citizens such as the Appellant should take note that their right to information is not absolute.

It is further noted that the Appellant is a disgruntled employee of the Respondent Public Authority who has been charge-sheeted on various counts. Therefore, while taking recourse to the RTI Act for his service-related matters, the Appellant is expected to approach the Public Authorities with clean hands and with simple form of queries. Under the provisions of the RTI Act, while the CPIO/PIO is obliged to facilitate free flow of information to the citizen and it is equally incumbent upon the information seeker to not to misuse the RTI Act by

seeking information on similar subject-matter. The Commission is also mindful of the fact that the unenviable noble duty assigned under the RTI Act to Central Public Information Officers (CPIO) and First Appellate Authorities (FAA) by the respective Public Authorities is 'in addition to their normal duties and without any additional remuneration paid for the same' for which they must devote extra efforts, time, and energy and if they fault they are liable to be punished while there is no reward for doing this work.

In view of this, Commission finds it pivotal to highlight a recent decision of this bench, wherein aspect of "misuse of the right to information Act by the Appellant" has been explained in a manner. In this regard, ratio laid down in the matter of **Nandkishor Gupta v. CPIO, Northwestern Railway, Head Quarter Office, Malviya Nagar, Jaipur – 302017**. The relevant portion of the said judgment is as under:

"The Appellant being a serving employee of the respondent Public Authority has as much right to information as is available to any other citizen of India. However, such a serving employee has an added obligation to frame the request in simplest and most easily understood form possible because he/she knows the circumstances under which his/her colleagues are working while also discharging the additional duty as CPIO and FAA. Therefore, the conduct of the Appellant in the present matter, to say the least, is questionable and is not appreciated.

Accordingly, the appellant is cautioned and admonished wherein he should keep in mind that the RTI Act should be used judiciously, sensibly and responsibly so that purpose of the RTI Act would not be defeated. The Commission leaves it to the concerned disciplinary authority for any consequent action in the matter. "

The Commission further observes that the Appellant with locomotor disability is filing such large number of RTI applications and the Commission fails to understand as to how he manages to file and maintain the records of such number of RTI applications/first appeals/second appeals. The Appellant has not been judicious in the use of RTI Act and has been using it as a tool to harass the Public Authority through hundreds of applications to settle his personal vendetta arising out of his transfer from Nagpur to Kolkata. The above advisory

for disciplinary authority is reiterated in this case also.

The Appellant is therefore, admonished and is cautioned to exercise his right to information in an informed and judicious manner. Further, he is advised to approach appropriate forum to redress his grievance.

No further relief can be granted in the matter.

The above-mentioned second appeals are disposed of accordingly.

Vinod Kumar Tiwari (विनोद कुमार तिवारी)
Information Commissioner (सूचना आयुक्त)
Date 19-02-2024

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

(R K Rao)
Dy. Registrar
011- 26181827
Date

संख्या-13-12/2023-प्रशा0 4304
भारत सरकार
भारतीय वन सर्वेक्षण
पो0ऑ0-आई0पी0ई0, कौलागढ़ मार्ग
देहरादून-248195

दिनांक 13 मार्च, 2024

सेवा में,

लोक सूचना अधिकारी
भारतीय वन सर्वेक्षण
कौलागढ़ मार्ग, देहरादून।

विषय:- RTI under the Right to information Act, 2005.

संदर्भ:- पत्र संख्या:-13-7/2023-आर0टी0आई0-4098 दिनांक 27.02.2024.

महोदय,

उपरोक्त विषय के संदर्भ में सूचित किया जाता है कि Shri Kumar Kalbande, Maharashtra के आर0टी0आई0 आवेदन पत्र संख्या:-Registration No. FSOID/R/T/24/00014 दिनांक 22.02.2024 के द्वारा मांगी गई सूचना के संबंध में कहना है कि RTI Cell द्वारा CIC के final order की प्रतिलिपि आवेदनकर्ता को प्रेषित की जा सकती है।

भवदीया,

(सविता सेमवाल)

सहायक निदेशक (का0 एवं प्रशा0)

प्रशा0
13/3
Rajiv

केन्द्रीय सूचना आयोग
Central Information Commission
बाबा गंगनाथ मार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नई दिल्ली, New Delhi – 110067

File Nos. : CIC/MOENF/A/2023/608903
CIC/MOENF/A/2023/603459
CIC/FSOID/A/2023/609550
CIC/FSOID/A/2023/611538
CIC/FSOID/A/2023/647520

Kumar Kalbande

.....अपीलकर्ता/Appellant

VERSUS
बनाम

CPIO,
Ministry of Environment Forest
and Climate Change, I P Bhavan,
Jor Bagh Road, New Delhi – 110003

CPIO,
Forest Survey of India,
Kaulagarh Road,
Dehradun – 248195

CPIO,
Forest Survey Of India,
Central Zone, CGO Complex,
Block A, Ground Floor,
Seminary Hills, Nagpur - 440006

....प्रतिवादीगण /Respondents

Date of Hearing : 07-02-2024
Date of Decision : 19-02-2024

INFORMATION COMMISSIONER : Vinod Kumar Tiwari

The above-mentioned second appeals are clubbed together as the Appellant is common and subject-matter is similar in nature and hence are being disposed of through a common order.

Relevant facts emerging from appeal:

RTI application filed on : 02-01-2023; 31-08-2022; 14-01-2023; 21-08-2023
CPIO replied on : 27-01-2023; 22-09-2022; 31-01-2023, 13.02.2023 & 02-03-2023; 28-08-2023
First appeal filed on : 29-01-2023; 22-09-2022; 06-02-2023; 29-08-2023
First Appellate Authority's order : 15-02-2023; 01-12-2022; 20-02-2023 & 22-02-2023; 05-10-2023
2nd Appeal/Complaint dated : NIL

CIC/MOENF/A/2023/608903

Information sought:

The Appellant filed an RTI application dated 02.01.2023 seeking the following information:

"Description of Information Sought

Respected CPIO, MOEFCC

Please find the attachment. It is an Office Memorandum of DOPT No 43011-35-2022-Estt(Res II) dated 8 December 2022 which is marked to Honorable Secretary MOEFCC New Delhi

Provide me information under RTI Act 2005 regarding following

- 1) Provide me information related to further correspondence/action initiated on this letter by your Ministry*
- 2) Provide me information regarding letter has been marked to Grievance Redressal Officer as per Disability Act 2016 Section 23*
- 3) Provide me true copies of all the related documents along with Note-sheet through email*

I am ready to pay legal charges

You may also give me information in hands after sending it through email. I am requesting Nodal officer kindly do not forward it to FSI Dehradun. Office memorandum is marked to Secretary MOEFCC New Delhi."

The CPIO furnished a reply to the Appellant on 27.01.2023 stating as under:

"The said O.M. not received in this Division through proper channel."

Being dissatisfied, the appellant filed a First Appeal dated 29.01.2023. The FAA vide its order dated 15.02.2023, upheld the reply of CPIO.

CIC/MOENF/A/2023/603459

The Appellant filed an RTI application dated 31.08.2022 seeking the following information:

"Respected CPIO, MoEFCC, New Delhi

Please refer to letter no F No 17017-06-2022-BMH dated 19 July 2022.

Please provide me information under RTI act 2005 regarding following

- 1. what action is taken on the letter mentioned above*
- 2. Provide true copies of all the related documents including Note-sheet."*

The CPIO furnished a reply to the Appellant on 22.09.2022 stating as under:

"CPIO, SCMD has NIL information."

Being dissatisfied, the appellant filed a First Appeal dated 22.09.2022. The FAA vide its order dated 01.12.2022, held as under:-

"The appeal was examined. It has been found that CPIO has provided correct information as per the records available with the division. However, after receiving the appeal, efforts was made to trace the attached document, to ascertain the information requested. It has been found the matter referred by the appellant pertains to Forest Survey of India (FSI) and accordingly CPIO - SCMD has been directed to forward the application to FSI for their early perusal."

Information sought:

The Appellant filed an RTI application dated 14.01.2023 seeking the following information:

“Respected CPIO FSI

This is regards with ISFR

Under RTI Act 2005 kindly provide me following information which is not available in ISFR available on your website.

1) Interpreter for Gujarat State for ISFR 2013 3015 2017 2019 2021.

2) Allotment of Scenes to each individuals for Gujarat for ISFR 2019 and 2021.

3) District wise change in Scrub for Gujarat State for ISFR 2009 2011 2013 2015 2017 2019 and 2021 and Reason for changes in Scrub.

4) There is change in Forest Cover of each District of Gujarat if compare to 2017 to 2019 irrespective of Real Change. Provide me difference.

of forest cover of Dense Forest Moderately Dense Forest and Open Forest Category of each district and reason for change.

5) Total category wise forest cover of each district of Gujarat State Outside the Reserved Forest Area.

6) True Copies of Ground Truth Verification done for cycle 2021/22 for each state and person who carried out ground truthing with respect to states for central zone.

7) Total Number of patches for which ground truth verification for cycle 2021/22 of each state for central zone.

8) Correction Factor used for area statistics calculated for ISFR 2021/22.

9) Qualification of entire Staff engaged in ISFR Since 2009 to till date.”

The CPIO furnished a reply to the Appellant on 31.01.2023 stating as under:

“उपरोक्त विषय के संदर्भ में सूचित किया जाता है कि Sh. Kumar Kalbande, Maharashtra की RTI आवेदन संख्या FSOID/R/T/23/00010 दिनांक 14.01.2023 के क्रम में मांगी गई प्रश्न संख्या 1,2,6 और 7 की जानकारी केंद्रीय अंचल, नागपुर से संबधित है, प्रश्न संख्या 8 और 9 स्पष्ट नहीं है एवं प्रश्न संख्या 3,4 और 5 की जानकारी भारतीय वन सर्वेक्षण की वेबसाइट पर उपलब्ध है।”

The CPIO, Forest of India, Nagpur furnished a point-wise reply to the Appellant on 13.02.2023 stating as under:

“1. Shri Kumar Kalbande, JTA was allotted FCM work of Gujarat State for 14th cycle vide Office order No.47 dated 11.04.2014. Information pertains to other periods are not available in this office.

2. The information sought is not available in this office.

3. The information sought is available in the ISFR of respective years published by the DG, FSI, Dehradun which is available online in the public domain of DG,FSI, Dehradun.”

The CPIO, Forest of India, Nagpur furnished a point-wise reply to the Appellant on 02.03.2023 stating as under:

“With reference to your above mentioned RTI application, the reply to point No.1 to 3 was already furnished to you vide letter No.417-06/1015 dated 13.02.2023 (copy enclosed). However, reply to point No.4 to 9 were left out in this office letter dated 13.02.2023 is given as under;

Point No.4. The information sought is available in the ISFR of respective years published by the DG, FSI, Dehradun which is available online in the public domain of DG,FSI, Dehradun,

5. State-wise information is available in the ISFR of respective years,

6. Information for cycle 2021-22 is not available,

7. Information for cycle 2021-22 is not available,

8. Correction factor is not a part of present methodology.

9. As the applicant is a third party the information is rejected for disclosure under Rule 8 (1) (j) of RTI Act, 2005.”

Being dissatisfied, the appellant filed a First Appeal dated 06.02.2023. The FAA vide its order dated 20.02.2023, upheld the reply of CPIO.

CIC/FSOID/A/2023/611538

Information sought:

The Appellant filed an RTI application dated 14.01.2023 seeking the following information:

“Respected CPIO FSI

This is regards with ISFR

Under RTI Act 2005 kindly provide me following information which is not available in ISFR available on your website

- 1) Interpreter for Gujarat State for ISFR 2013 3015 2017 2019 2021.
- 2) Allotment of Scenes to each individuals for Gujarat for ISFR 2019 and 2021.
- 3) District wise change in Scrub for Gujarat State for ISFR 2009 2011 2013 2015 2017 2019 and 2021 and Reason for changes in Scrub.
- 4) There is change in Forest Cover of each District of Gujarat if compare to 2017 to 2019 irrespective of Real Change. Provide me difference of forest cover of Dense Forest Moderately Dense Forest and Open Forest Category of each district and reason for change.
- 5) Total category wise forest cover of each district of Gujarat State Outside the Reserved Forest Area.
- 6) True Copies of Ground Truth Verification done for cycle 2021/22 for each state and person who carried out ground truthing with respect to states for central zone.
- 7) Total Number of patches for which ground truth verification for cycle 2021/22 of each state for central zone.
- 8) Correction Factor used for area statistics calculated for ISFR 2021/22.
- 9) Qualification of entire Staff engaged in ISFR Since 2009 to till date.”

The CPIO furnished a reply to the Appellant on 13.02.2023 stating as under:

“1. Shri Kumar Kalbande, JTA was allotted FCM work of Gujarat State for 14th cycle vide Office order No.47 dated 11.04.2014. Information pertains to other periods are not available in this office.

2. The information sought is not available in this office.

3. The information sought is available in the ISFR of respective years published by the DG, FSI, Dehradun which is available online in the public domain of DG, FSI, Dehradun.”

Being dissatisfied, the appellant filed a First Appeal dated 13.02.2023. The FAA vide its order dated 22.02.2023, held as under:-

“This has reference to Shri Kumar Kalbande's First Appeal cited above regarding non- receipt of reply on time. In this connection, it is informed that the CPIO of this office has already furnished you the reply vide his letter No.E-417-06/1015 dated 13.02.2023 within the timeline. However, it is learnt that the information regarding point No. 4 to 9 were left out in the reply inadvertently.

In this regard, the CPIO concerned has been directed to provide the available information to you, which were not provided in earlier reply, as per the provisions of the RTI Act. 2005.”

The CPIO furnished a point-wise reply to the Appellant on 02.03.2023 stating as under:

“With reference to your above mentioned RTI application, the reply to point No.1 to 3 was already furnished to you vide letter No.417-06/1015 dated 13.02.2023 (copy enclosed). However, reply to point No.4 to 9 were left out in this office letter dated 13.02.2023 is given as under;

Point No.4. The information sought is available in the ISFR of respective years published by the DG, FSI, Dehradun which is available online in the public domain of DG,FSI, Dehradun,

5. State-wise information is available in the ISFR of respective years,

6. Information for cycle 2021-22 is not available,

7. Information for cycle 2021-22 is not available,

8. Correction factor is not a part of present methodology.

9. As the applicant is a third party, the information is rejected for disclosure under Rule 8 (1) (j) of RTI Act,2005.”

CIC/FSOID/A/2023/647520

The Appellant filed an RTI application dated 21.08.2023 seeking the following information:

“Please find the attachment. In attachment the following para is mentioned

Shri Kalbande has been allegedly posted and distributed pamphlets on character of wife of Shri Agarkar. Shri Agarkar has filed comp Police Station regarding this. Photograph posted on pamphlets taken by Shri Kumar Kalbande during FSI training in Dehradun in Inquiry is in progress on above issue.

Under RTI Act 2005:-

- 1) Provide True copy of Police Station report submitted by Shri Agarkar.
- 2) Provide the true copy of marriage certificate submitted by Shri Agarkar in office.
- 3) Provide me exact dates of FSI Training in 2012 and true copies of statement of witness.
- 4) Provide me Joining and Leaving period of Shri Agarkar as TA and service period As Dy Ranger.
- 5) Provide me true copies of all the relevant documents of inquiry in progress including chargesheet.
- 6) Provide me permission taken by Shri Agarkar before filing police complaint of his senior who is central government employee.
- B) Provide me copy of experience certificate provided by Shri Agarkar for Dy Ranger post.
- 9) Provide me post address of Shri Agarkar Resident.”

The CPIO furnished a point-wise reply to the Appellant on 28.08.2023 stating as under:

- “1) Information not available.*
- 2) Information not available.*
- 3) Information not available*
- 4) Information rejected for disclosure under Section 8 (1) (j) of RTI Act, 2005.*
- 5) Information not available.*
- 6) Information not available*
- 7) Information not available*
- 8) Information rejected for disclosure under Section 8 (1) (j) of RTI Act, 2005.*
- 9) Information rejected for disclosure under Section 8 (1) (j) of RTI Act, 2005.”*

Being dissatisfied, the appellant filed a First Appeal dated 29.08.2023. The FAA vide its order dated 05.10.2023, held as under:-

“With reference to Shri Kumar Kalbande's First Appeal cited above, it is stated that in reply to your above cited RTI request, the CPIO of this office has already given the available information vide letter cited above and the same is upheld.

As regards information in respect of point No.1 of your RTI request, you are informed that the required information i.e. true copy of police station report submitted by Sh. Agarkar is not available in this office. It is informed to you that you should avoid the involving this in your personal matters on day-to-day basis.”

Feeling aggrieved and dissatisfied, appellant approached the Commission with the instant Second Appeals.

Relevant Facts emerged during Hearing:

The following were present:-

Appellant: Present through Video-Conference.

Respondent: Respondent No. 1 Shri B R Meena, CPIO and Shri A K Verma, SO present in person and Shri Arup Kumar Bhattacharya, Under Secretary & CPIO and Shri Sundeep, FAA present in person. Respondent Nos. 2 and 3 Shri Kamal Pandey, Dy. Director & CPIO and Shri B H Naik, Assistant Director present through Video-Conference.

The written submissions of the Appellant and the Respondent are taken on record.

In file No. CIC/MOENF/A/2023/608903:

The Appellant reiterated the contents of his written submission filed prior to hearing by *inter alia* stating as under -

"...1. The Appellant, is employed as JTA in the Forest Survey of India under the Ministry of Environment and Forests and happens to be a Person with Locomotor Disability and is a Gay individual as well. The facts in brief are to the effect that the Appellant was discriminated on the ground of his gender identity and disability by his superiors in the office on alleged refusal sexual favors demanded by the Regional Director (Mr. Chatubhuj Behera) as per records made by non applicant attached below. Consequently, he was transferred to Forest Survey of India, Kolkata in absolute violation of the DOPT's Office Memorandum regarding transfer of employees with disabilities. The aforesaid actions inter-alia are in absolute violation of the Transgender Persons (Protection of Rights) Act, 2019, Rights of Persons with Disabilities Act, 2016 and Constitutional Rights Guaranteed through SC Judgment of Putty Swami, Nalsa vs Union of India, Navtej Singh Johar & Ors. v. Union of India & The Appellant has not received his salaries since last three (03) years 1 month and consequently suffering unimaginable agony and distress.

2. The Appellant approached the DOPT with his grievances against the present Respondent pertaining to the discrimination at workplace and illegal transfers and the DOPT was pleased to issue an Office Memorandum No. 43011/35/2022 Estt (Res-11) dated 8th December 2022 clearly stating that

the employees with disabilities are entitled to posted near to their hometown and cannot be transferred in such a manner. The copy of the said O.M. was addressed to the Secretary, Ministry of Environment, Forest and Climate Change, New Delhi. However, no remedial steps were taken by the present Respondent in view of the said O.M.

3. Aggrieved by the inaction at the part of the Respondents, the Appellant preferred an application under the RTI Act for the following information:

"1) Provide me information related to further correspondence/ action initiated on this letter by your Ministry.

2) Provide me information regarding letter has been marked to Grievance Redressal Officer as per Disability Act 2016 Section 23

3) Provide me true copies of all the related documents along with the Notesheet through email"

4. However, the CPIO did not provide the information to the Appellant and gave a very vague reply vide updated dated 02.01.2023 stating "The said O.M. not received in this Division through proper channel.

5. The Appellant being aggrieved and unsatisfied by the reply provided by PIO approached the First Appellate Authority specifically submitting that since the said O.M. has been sent to the Secretary in the Ministry, it must be there in some or the other division and therefore the information ought to be provided to him".

Per contra, the Respondent invited attention of the Commission towards his written submission, relevant extracts of which are reproduced below -

"The Applicant, not satisfied with the reply of the then CPIO, made the first appeal to the First Appellate Authority (FAA) on 29.01.2023. The then FAA disposed of the appeal on 15.02.2023 accordingly as per the provisions of the RTI Act, 2005 the reply of FAA (A-II).

"The concerned CPIO & US(FE) in the MoEF&CC has replied RTI request on the basis of available records. Accordingly, first online disposed of. In case

Appellant is not satisfied with this reply, he has the right to approach CIC, New Delhi within 30 days" - Asha Chauhan, FAA & Director, MoEFCC, New Delhi

4. The Applicant is employee of Forest Survey of India (FSI), a Junior Technical Assistant, who has been transferred from FSI, Nagpur office to FSI, Kolkata office in July, 2021. He has not joined duty at FSI, Kolkata office till date and enquiry in three disciplinary proceedings are already going on against the appellant as per the information submitted by Forest Survey of India, Dehradun (A-III).

5. It is submitted that transfer and positing of FSI employee is looked after by the FSI, Dehradun.

6. The RTI applicant Shri Kumar Kalbande has filed many RTI's applications at FSI and Ministry from March 2021 to till date seeking various information and submitted in-front of the Hon'ble CIC that Shri Kumar Kalbande is Habitual RTI applicant who never satisfies with the reply given by public authority. Numerous complaints have also been sent to Hon'ble President, Prime Minister's Office, Ministers, VIPs, Court of Chief Commissioner for Persons with Disabilities (Divyangjan), National Commission for Backward Classes, National Human Rights Commission etc. by Shri Kumar Kalbande.

Prayer:

As per the available records, the OM of DoPT No. 43011/35/2022. Estt(Res- II) dt. 08/12/2022 has not received at Forest Establishment Division, MoEFCC, New Delhi.

However, the present CIPO and US(FE) has taken cognizance of the OM of DoPT no.43011/35/2022. Estt (Res-II) dt. 08/12/2022 and the DOPT OM dt. 08/12/2022, will send to FSI, Dehradun after obtaining approval of competent authority"

In file No. CIC/MOENF/A/2023/603459:

The Appellant while reiterating the contents of his RTI application, instant appeal and written submissions submitted that no information has been provided to him by the Respondent till date. The Appellant requested the Commission to intervene and direct the Respondent to provide complete information as per his RTI application.

Per contra, the Respondent invited attention of the Commission towards his written submission, relevant extracts of which are reproduced below -

“The CPIO has received the RTI application from Shri Kumar Kalbande, quarter no. 1 type 4 CPWD Block 66, Opp IBM Civil Lines, Nagpur 440001 (RTI registration No. MOENF/R/T/22/00240 dated 31.08.2022). The application was disposed of by the CPIO on 22.09.2022 by mentioning that the CPIO SCMD has ‘Nil’ information. 2. The aforesaid RTI application had only one page of reference of MHA and CPIO had not received any annexure (Copy enclosed). 3. Again Shri Kalbande has sent his appeal (MoENF/A/E/22/00171 dated 22.09.2022) wherein the FAA had disposed of that application by stating “The appeal was examined. It has been found that CPIO has provided correct information as per the records available with the division. However, after receiving the appeal, efforts was made to trace the attached document, to ascertain the information requested. It has been found the matter referred by the appellant pertains to Forest Survey of India (FSI) and accordingly, CPIO-SCMD has been directed to forward the application to FSI for their early perusal.” 4. The representation has been collected from MHA. Accordingly, the CPIO has sent Office Memorandum to DG-FSI by forwarding the representation of Shri Kalbande JTA –FSI on 02.12.2022 with a request for early perusal of this matter and for appropriate action”.

On query from the Commission, the Respondent submitted that they have forwarded the RTI application of the Appellant and the OM dated 19.07.2022 to the Forest Survey of India on 21.12.2022 and the same were not transferred under Section 6(3) of the RTI Act.

In file No. CIC/FSOID/A/2023/609550 heard with file No. CIC/FSOID/A/2023/611538

The Appellant while reiterating the contents of his RTI applications, instant appeal and written submissions submitted that complete and correct information has not been provided to him by the Respondents till date. The Appellant requested the Commission to intervene and direct the Respondent to provide complete information as per his above-mentioned RTI applications.

Per contra, the Respondent No. 2 invited attention of the Commission towards his written submission, relevant extracts of which are reproduced below -

“1. Shri Kumar Kalbande's (Appellant) RTI application No FSOID/R/E/23/00010 dated 14.01.2023 seeking information on 9 points under RTI Act 2005 was duly

responded to by the CPIO Dehradun on 31.01.2023 with information available to him

2. Since the part information was pertaining to Central Zone of FSI, Nagpur, the RTI was partially transferred to CPIO (Forest Survey of India, Central Zone office, Nagpur) by CPIO (Dehradun) on 30.01.2023 on the basis of information received from respective section.

3. The Appellant, not satisfied with the reply of CPIO, made the first appeal to the First Appellate Authority (FAA) on 06.02.2023. The FAA disposed of the appeal on 20.02.2023 accordingly as per the provisions of the RTI Act, 2005.

4. The Appellant is a Jr. Tech. Assistant, who has been transferred from FSI, Nagpur office to FSI, Kolkata office in July, 2021. But he has not joined duty at FSI, Kolkata office till date and he is unauthorizedly absent from the duty. An enquiry in three disciplinary proceedings is going against the appellant and on one or other pretext the appellant is trying to avoid the scheduled enquiries.

5. He has filed more than 150 RTI's in FSI (Dehradun & other 4 regional offices) from March 2021 to till date, seeking information after information as a habitual RTI applicant who never satisfies with the reply given by public authority.

6. At FSI (Dehradun), Appellant has filed 88 RTI Applications till date. Of these 88 RTI's, he has raised First Appeal on 33 RTIs and Second Appeal on 8 RTIs (Attachment-1). It is also informed that on many occasions he has invoked clause on 'life and liberty' from section 7(1) of the RTI Act 2005 without justifying the grounds (imminent danger to life and liberty that may lead death or grievous injury).

7. It is informed that most of the RTIs filled by the Appellant under RTI Act, 2005 have been related to complaints made by him to various authorities/departments of GOI As a result, the public authorities (FAA/CPIO) of the organisation have been continuously engaged in providing responses/reply to the Appellant under the RTI act, 2005.

8. This has affected the functioning of the office as well as day to day working of the organisation”.

Further, the Respondent No. 3 invited attention of the Commission towards his written submission, relevant extracts of which are reproduced below –

“With reference to the above cited Notices of hearing in the Second Appeal filed by Sh. Kumar Kalbande (Appellant), the following submissions are made for kind consideration;

At the outset, it is submitted that the appellant Sh. Kumar Kalbande is an ex-employee of this office who has been transferred from this office to Forest Survey of India, Eastern Zone, Kolkata and relieved from this office on 30.07.2021. However, he is unauthorizedly absent since then and has not joined his duty till date.

The appellant has been chargesheeted for the following charges and the departmental enquiries are going on:

1) Complaint of Sexual Harassment of Women at Workplace. 2) Securing job in Forest Survey of India, Central Zone, Nagpur with fake experience certificate.

3) Unauthorized absence from duty since 04.12.2020 and not joining duty at new place of posting.

The appellant Sh. Kumar Kalbande has so far filed 75 RTI applications to this office. Besides above, he has filed 39 First Appeals, and many Second Appeals to the Commission. He has also filed several complaints against this office to various Authorities of Government of India, Government of Maharashtra and also filed a number of Grievances/Appeals in CP Gram portals with concocted stories fabricated by him with distorted facts. He is a habitual complainant and misuse the provisions of RTI Act to intimidate the Officers and officials for taking disciplinary action against him.

As regards his second Appeal against RTI queries under registration No. FSOID/R/E/23/00010 and FSOID/R/E/23/00010/1 dated 14.01.2023, it is submitted that both the applications were addressed to the public authority of Forest Survey of India, Dehradun who in turn transferred the same to this office u/s 6(3) of the Act, and received in this office on 30.01.2023. It is submitted that the content of both the applications are same.

While replying to his RTI application No. FSOID/R/E/23/00010 dated 14.01.2023, out of the 9 points queries, this office vide letter No. E-417-06/1015 dated 13.02.2023 replied to only 03 points due to oversight (copy enclosed). Further reply to point no 4 to 9 were given to the appellant vide letter No. E-417-06/1112 dt 02.03.2023 (copy enclosed).

As regards the information sought by the appellant, it is submitted as below:-

Point No. 1: The available information has been provided to the appellant vide letter No.E.417-06/1015 dated 13.02.2023.

Point No. 2: Since the information sought is not available the applicant was informed accordingly vide letter No. 1015 dated. 13.02.2023.

No. 3: The applicant has been informed vide letter No-1015 dtd 13.02.2023 that the required information is available in the India State of Forest Reports (ISFR) of respective years published by Ministry of Environment, Forest and Climate Change, New Delhi and available in the public domain of Director General, FSI, Dehradun.

Point No.4 & 5: The applicant has been informed vide letter No. E-417-06/1112 dated 02.03.2023, that the information sought is available in the ISFR of Ministry of Environment Forest & Climate Change, New Delhi and available in the public domain of DG, FSI, Dehradun.

Point No. 6&7: The applicant has been informed vide letter No. E-417-06/1112 dated 02.03.2023 that the information sought is not available in the records of this office.

Point No. 8: No such information is maintained and available on record. Divulging the personal details such as qualifications of employees working in office to a third-party stand exempted from disclosure under section 8 (1) (i) of RTI Act.2005."

Upon being queried from the Commission, the Respondent clarified that the Appellant has not been recruited under PWD category but claims to acquire disability after he failed to comply with transfer orders.

In file No. CIC/FSOID/A/2023/647520:

The Appellant while reiterating the contents of his RTI application, instant appeal and written submissions submitted that complete and correct information has not been provided to him by the Respondent till date. The Appellant requested the Commission to intervene and direct the Respondent to provide complete information as per his RTI application.

Per contra, the Respondent No. 3 invited attention of the Commission towards his written submission, relevant extracts of which are reproduced below -

““With reference to the above cited Notices of hearing in the Second Appeal filed by Sh. Kumar Kalbande (Appellant), the following submissions are made for kind consideration;

At the outset, it is submitted that the appellant Sh. Kumar Kalbande is an ex-employee of this office who has been transferred from this office to Forest Survey of India, Eastern Zone, Kolkata and relieved from this office on 30.07.2021. However, he is unauthorizedly absent since then and has not joined his duty till date.

The appellant has been chargesheeted for the following charges and the departmental enquiries are going on:

1) Complaint of Sexual Harassment of Women at Workplace. 2) Securing job in Forest Survey of India, Central Zone, Nagpur with fake experience certificate.

3) Unauthorized absence from duty since 04.12.2020 and not joining duty at new place of posting.

The appellant Sh. Kumar Kalbande has so far filed 75 RTI applications to this office. Besides above, he has filed 39 First Appeals, and many Second Appeals to the Commission. He has also filed several complaints against this office to various Authorities of Government of India, Government of Maharashtra and also filed a number of Grievances/Appeals in CP Gram portals with concocted stories fabricated by him with distorted facts. He is a habitual complainant and misuse the provisions of RTI Act to intimidate the Officers and officials for taking disciplinary action against him.

As regards his second Appeal against RTI queries under registration No. FSOID/R/E/23/00065 dated 21.08.2023, it is submitted that reply to 09 point information sought by the applicant was given to the appellant vide Nter No. E-417/06/494 dtd. 28.08.2023 (copy enclosed).

regards the information sought by the appellant, it is submitted as below:-

Point No. 1: The information sought regarding Police Station Report submitted by Sh. Parikshit Agarkar, Deputy Ranger, is not available in the records of this office.

Point No. 2: Sh.P.Agarkar, Dy.Ranger has not submitted his marriage certificate to this office. Hence the information sought is not available.

Point No. 3: This office has not conducted any FSI training in the year 2012 as stated by the appellant. Also, this office has not conducted any enquiry against

the appellant for any incident occurred in 2012. Hence the information is not available.

Point No.4. Sh.P.Agarkar is working in this office as Deputy Ranger since 05.02.2018 onwards. Service particulars of an employee cannot be shared to a third party and hence rejected for disclosure u/s 8(1)(j) of RTI Act, 2005.

Point No. 5. This office has not conducted any enquiry against the appellant for any incident occurred in 2012. Hence the information is not available.

Point No. 6. No such information is available in the records of this office.

Point No.8. Copy of experience certificate submitted to this office by Sh. Agarkar being his personal record, rejected for disclosure u/s 8(1)(j) of RTI Act, 2005.

Point.No.9. Postal address of Sh. Agarkar being his personal information, rejected for disclosure under section 8(1)(j) of RTI Act, 2005.

The motive of the appellant is to harass the public authority with vexatious, offensive and repeated request misusing the provisions of RTI Act. Public authority can only provide information which is held and available.”

Decision:

At the outset, the Commission observes from the list submitted by the Respondents regarding details of numerous RTI applications and first appeals filed by the Appellant which are reproduced as under:

Sr.No.	Registration No.	Name	Current Status of Request	Received	Closing date
2	MOENF/R/E//24/00127	Kumar Kalbande	Request transferred to other public authority	01/02/2024	02/02/2024
29	MOENF/R/T/24/00002	Kumar Kalbande	Request transferred to other public authority	01/01/2024	03/01/2024
31	MOENF/R/E/23/01304	Kumar Kalbande	Request transferred to other public authority	21/12/2023	27/12/2023

43	MOENF/R/T/23/00436	Kumar Kalbande	Request transferred to other public authority	22/11/2023	23/11/2023
44	MOENF/R/T/23/00435	Kumar Kalbande	Request transferred to other public authority	21/11/2023	23/11/2023
52	MOENF/R/E/23/01143	Kumar Kalbande	Request transferred to other public authority	01/11/2023	06/11/2023
53	MOENF/R/T/23/00407	Kumar Kalbande	Request transferred to other public authority	29/10/2023	06/11/2023
55	MOENF/R/E/23/01060	Kumar Kalbande	Request transferred to other public authority	03/10/2023	09/10/2023
57	MOENF/R/E/23/01036	Kumar Kalbande	Request transferred to other public authority	28/09/2023	05/10/2023
82	MOENF/R/E/23/00587	Kumar Kalbande	Request transferred to other public authority	31/05/2023	16/06/2023
91	MOENF/R/E/23/00474	Kumar Kalbande	Request Disposed of	06/05/2023	07/07/2023
99	MOENF/R/E/23/00338	Kumar Kalbande	Request transferred to other public authority	04/04/2023	06/04/2023
110	MOENF/R/E/23/00275	Kumar Kalbande	Request transferred to other public authority	17/03/2023	06/04/2023
136	MOENF/R/E/23/00166	Kumar Kalbande	Request Disposed of	13/02/2023	03/04/2023
160	MOENF/R/E/23/00004	Kumar Kalbande	Request Disposed of	02/01/2023	27/01/2023
161	MOENF/R/E/23/00003	Kumar Kalbande	Request Disposed of	02/01/2023	27/01/2023
162	MOENF/R/E/23/00005	Kumar Kalbande	Request Disposed of	02/01/2023	27/01/2023

163	MOENF/R/E/23/00006	Kumar Kalbande	Request Disposed of	02/01/2023	27/01/2023
164	MOENF/R/E/22/01441	Kumar Kalbande	Request Disposed of	31/12/2022	27/01/2023
165	MOENF/R/E/22/01434	Kumar Kalbande	Request transferred to other public authority	29/12/2022	02/01/2023
166	MOENF/R/E/22/01437	Kumar Kalbande	Request transferred to other public authority	29/12/2022	02/01/2023
167	MOENF/R/E/22/01435	Kumar Kalbande	Request transferred to other public authority	29/12/2022	02/01/2023
170	MOENF/R/E/22/01395	Kumar Kalbande	Request transferred to other public authority	25/12/2022	29/12/2022
171	MOENF/R/F/3301300	Sunanda Kalbande	Request transferred to other public authority	25/12/2022	28/12/2022
172	MOENF/R/E/22/01396	Kumar Kalbande	Request transferred to other public authority	25/12/2022	28/12/2022
173	MOENF/R/E/22/01394	Kumar Kalbande	Request transferred to other public authority	25/12/2022	28/12/2022
174	MOENF/R/E/22/01397	Kumar Kalbande	Request transferred to other public authority	25/12/2022	28/12/2022
190	MOENF/R/X/22/00046	Kumar Kalbande	Request transferred to other public authority	28/11/2022	05/12/2022
193	MOENF/R/E/22/01275	Kumar Kalbande	Request Disposed of	27/11/2022	06/12/2022
204	MOENF/R/E/22/01228	Kumar Kalbande	Request Disposed of	18/11/2022	06/12/2022

230	MOENF/R/P/22/00328	Kumar Kalbande	Request Disposed of	28/07/2022	01/08/2022
239	MOENF/R/E/22/00734	Kumar Kalbande	Request transferred to other public authority	09/07/2022	11/07/2022
248	MOENF/R/E/22/00665	Kumar Kalbande	Request transferred to other public authority	25/06/2022	28/06/2022
249	MOENF/R/E/22/00661	Kumar Kalbande	Request Disposed of	24/06/2022	06/07/2022
250	MOENF/R/E/22/00658	Kumar Kalbande	Request Disposed of	24/06/2022	14/07/2022
251	MOENF/R/E/22/00660	Kumar Kalbande	Request Disposed of	24/06/2022	28/06/2022
252	MOENF/R/E/22/00659	Kumar Kalbande	Request Disposed of	24/06/2022	28/06/2022
253	MOENF/R/E/22/00652	Kumar Kalbande	Request transferred to other public authority	22/06/2022	24/06/2022
255	MOENF/R/E/22/00650	Kumar Kalbande	Request transferred to other public authority	22/06/2022	24/06/2022
259	MOENF/R/E/22/00578	Kumar Kalbande	Request transferred to other public authority	10/06/2022	17/06/2022
264	MOENF/R/T/22/00138	Kumar Kalbande	Request transferred to other public authority	26/05/2022	31/05/2022
265	MOENF/R/E/22/00512	Kumar Kalbande	Request Disposed of	23/05/2022	26/05/2022
267	MOENF/R/T/22/00116	Kumar Kalbande	Request transferred to other public authority	17/05/2022	23/05/2022
268	MOENF/R/T/22/00117	Kumar Kalbande	Request transferred to other public authority	17/05/2022	23/05/2022
269	MOENF/R/T/22/00112	Kumar Kalbande	Request transferred to other public authority	11/05/2022	19/05/2022

276	MOENF/R/E/22/00361	Kumar Kalbande	Request Disposed of	15/04/2022	19/04/2022
277	MOENF/R/E/22/00358	Kumar Kalbande	Request Disposed of	13/04/2022	04/05/2022
280	MOENF/R/E/22/00308	Kumar Kalbande	Request transferred to other public authority	30/03/2022	01/04/2022
292	MOENF/R/T/22/00025	Kumar Kalbande	Request transferred to other public authority	08/02/2022	10/02/2022

S.No.	Appeal Number	Name	Received Date	Request Number
1	FSOID/A/E/22/00002 (D)	Kumar Kalbande	28.02.2022	FSOID/R/E/22/00002
2	FSOID/A/E/22/00013 (D)	Kumar Kalbande	23.06.2022	FSOID/R/T/22/00008
3	FSOID/A/E/22/00020 (D)	Kumar Kalbande	08.07.2022	FSOID/R/E/22/00033
4	FSOID/A/E/22/00021 (D)	Kumar Kalbande	08.07.2022	FSOID/R/E/22/00031
5	FSOID/A/E/22/00026 (D)	Kumar Kalbande	24.07.2022	FSOID/R/E/22/00030
6	FSOID/A/E/22/00027 (D)	Kumar Kalbande	24.07.2022	FSOID/R/E/22/00035
7	FSOID/A/E/22/00028 (D)	Kumar Kalbande	27.07.2022	FSOID/R/T/22/00017
8	FSOID/A/E/22/00029 (D)	Kumar Kalbande	04.08.2022	FSOID/R/T/22/00018
9	FSOID/A/E/22/00031 (D)	Kumar Kalbande	18.08.2022	FSOID/R/T/22/00022
10	FSOID/A/E/22/00032 (D)	Kumar Kalbande	24.08.2022	FSOID/R/E/22/00041
11	FSOID/A/E/22/00033 (D)	Kumar Kalbande	24.08.2022	FSOID/R/T/22/00016
12	FSOID/A/E/23/00005 (D)	Kumar Kalbande	29.01.2023	FSOID/R/T/23/00004
13	FSOID/A/E/23/00006 (D)	Kumar Kalbande	29.01.2023	FSOID/R/T/23/00003
14	FSOID/A/E/23/00007 (D)	Kumar Kalbande	29.01.2023	FSOID/R/T/23/00005
15	FSOID/A/E/23/00011 (D)	Kumar Kalbande	06.02.2023	FSOID/R/E/23/00010
16	FSOID/A/E/23/00013 (D)	Kumar Kalbande	07.02.2023	FSOID/R/E/23/00081
17	FSOID/A/E/23/00016 (D)	Kumar Kalbande	09.03.2023	FSOID/R/E/23/00020
18	FSOID/A/E/23/00017 (D)	Kumar Kalbande	09.03.2023	FSOID/R/E/23/00017
19	FSOID/A/E/23/00020 (D)	Kumar Kalbande	22.03.2023	FSOID/R/E/23/00025
20	FSOID/A/E/23/00022 (D)	Kumar Kalbande	16.04.2023	FSOID/R/E/23/00030
21	FSOID/A/E/23/00026 (D)	Kumar Kalbande	31.05.2023	FSOID/R/E/23/00044
22	FSOID/A/E/23/00027 (D)	Kumar Kalbande	12.06.2023	FSOID/R/E/23/00043
23	FSOID/A/E/23/00032 (D)	Kumar Bhaskar Kalbande	05.08.2023	FSOID/R/E/23/00035
24	FSOID/A/E/23/00033 (D)	Kumar Kalbande	06.08.2023	FSOID/R/E/23/00057
25	FSOID/A/E/23/00043 (D)	Kumar Kalbande	22.10.2023	FSOID/R/T/23/00034/2
26	FSOID/A/E/23/00046 (D)	Kumar Kalbande	22.10.2023	FSOID/R/E/23/00077
27	FSOID/A/E/23/00049 (D)	Kumar Kalbande	01.11.2023	FSOID/R/E/23/00036
28	FSOID/A/E/23/00051 (D)	Kumar Kalbande	16.12.2023	FSOID/R/E/23/00096/1
29	FSOID/A/E/24/00002	Kumar Kalbande	26.01.2024	FSOID/R/E/23/00107/1

30	FSOID/A/E/24/00003	Kumar Kalbande	26.01.2024	FSOID/R/E/23/00110/1
31	FSOID/A/E/24/00004	Kumar Kalbande	28.01.2024	FSOID/R/E/23/00103
32	FSOID/A/E/24/00005	Kumar Kalbande	30.01.2024	FSOID/R/E/24/00017
33	FSOID/A/E/24/00006	Kumar Kalbande	30.01.2024	FSOID/R/E/24/00015/1

The Commission further observes that more than 10 second appeals have been filed by the same Appellant on similar subject matter. In this regard, a reference of the list of cases is given below:

Sl. No.	Case No.	Public Authority	Order date	Decision uploaded on
1	CIC/FSOID/A/2023/601307	Forest Survey of India, Dehradun	24/03/2023	28/03/2023
2	CIC/FSOID/A/2022/646680	Forest Survey of India, Dehradun	24/03/2023	28/03/2023
3	CIC/FSOID/A/2022/656883	Forest Survey of India, Dehradun	24/03/2023	28/03/2023
4	CIC/FSOID/A/2022/657816	Forest Survey of India, Dehradun	24/03/2023	28/03/2023
5	CIC/FSOID/A/2022/660640	Forest Survey of India, Dehradun	24/03/2023	28/03/2023
6	CIC/FSOID/A/2022/628278	Forest Survey of India, Dehradun	01/09/2022	05/09/2022
7	CIC/FSOID/A/2022/628269	Forest Survey of India, Dehradun	01/09/2022	05/09/2022
8	CIC/FSOID/A/2022/628273	Forest Survey of India, Dehradun	01/09/2022	05/09/2022
9	CIC/FSOID/A/2021/636746	Forest Survey of India, Dehradun	06/06/2022	06/06/2022

The Commission, before proceeding to deal with each Second Appeal of the Appellant, deems it is necessary to reproduce the brief sequence of events which are submitted by the Respondent Public Authority:

Chronological sequence of Events leading to temporary disability of Kumar Kalbande, JTA, FSI, Kolkata.

Date	Event/Activity
11.05.2009	<p>a. Sh. Kumar Kalbande appointed as Deputy Ranger in Forest Survey of India, Regional Office (Central), Nagpur.</p> <p>b. It may be noted that <u>his appointment is not under persons with disability (PWD) category.</u></p> <p>c. He got promoted as Junior Technical Assistant (JTA) in 2017.</p>

May 2009 to July 2021	a. He was posted in <u>Nagpur office for almost 12 years.</u>
30.07.2021	<p>a. He was transferred from FSI Regional Office (Nagpur) to Regional Office (Kolkata). But he has neither joined at Kolkata office, nor made any efforts to join Kolkata office till date.</p> <p>b. It may be noted that he was transferred along with 04 other employees. All (except Sh. Kalbande) have joined their respective place of postings.</p> <p>c. FSI, HQ and Regional Director (Eastern), Kolkata have repeatedly informed him to join at his place of posting.</p>
16.08.2021	<p>a. First RTI filed by Sh. Kumar Kalbande to FSI HQ (Dehradun).</p> <p>b. So far, he has filed more than 160 RTI's (88 RTIs in FSI-Dehradun; 80 RTIs in FSI-Nagpur). This does not include RTIs filed by him in MoEF&CC.</p> <p>c. Sh. Kalbande has been filing RTIs seeking information after information as habitual RTI applicant who is never satisfied with the replies of PIOS.</p> <p>d. Sh. Kalbande has a tendency to write emails to all the senior officers of Ministry (including Hon'ble Minister & Secretary). The email is always a bulky document having 3-5 (or more) attachments in it. Thereafter, he seeks immediate reply from each CPIO of MoEF&CC and FSI on that email in the form of RTI, with a question that what action has been taken on his email.</p>
11.05.2022	<p>a. To avoid the joining at his place of posting i.e. Kolkata, Sh. Kumar Kalbande produced a certificate of temporary disability with 50% locomotor disability (dated 11.05.2022, valid up to 11.05.2024), after 09 months of his transfer, which is questionable.</p> <p>b. As Sh. Kumar Kalbande is able to drive vehicle, walk without any hindrance despite of claiming 50 percent locomotor disability, it was requested to the Medical Superintendent, Government Medical College, Nagpur to re-examine Sh. Kalbande by constituting Medical Board. But till today he has not appeared for his re-examination.</p> <p>c. His case of temporary disability may be challenged/referred to central government benches at Safdarjung Hospital or AIIMS (New Delhi) for re- examination of his temporary disability.</p> <p>d. Further, to avoid joining at Kolkata, he raised an issue that the office of the Kolkata is at 3rd floor and do not have functional lift. In this regard, Regional Director, Kolkata have confirmed that the office has a ramp and washroom facilities at ground floor as well as one suitable room is also available for attending office. this clearly indicates that, by one or the other pretext Sh. Kalbande is avoiding joining at his place of posting.</p>

23.12.2022	<p>a. He had filed O.A. No. 514/2021 Kumar Kalbande Vs. UOI & Ors in the CAT, Nagpur against his transfer, in which the CAT rejected his prayer for interim relief. After that he had filed Writ Petition No. 3967/2021 Kumar Kalbande Vs. UOI & Ors in the Hon'ble High Court, Nagpur challenging his transfer order. In this case the Hon'ble Court has upheld the transfer order issued by Director General, Forest Survey of India.</p> <p>b. Hon'ble CAT, Nagpur in its final order dated 23.12.2022 disposed the O.A. no. 514/2021 (Kumar Kalbande Vs. UOI & Ors) stating that <i>"Since the applicant's Writ Petition challenging the same transfer order as has been challenged in the present O.A., has already been rejected by the High Court order in the Writ Petition No. 3967/2021 dated 27.10.2021, nothing survives at this stage in this in this O.A. for adjudication by the Tribunal."</i></p> <p>c. Despite the order of the Hon'ble High Court and Hon'ble CAT Sh. Kumar Kalbande did not join his place of posting. On the contrary he represented all the authorities for the cancellation of his transfer order.</p>
01.08.2023	<p>a. Vide FSI letter no. 13-15/2022-Admin-Part-1810 dated 01.08.2023, Sh. Kumar Kalbande was asked to appear in the Govt. Medical College & Hospital, Nagpur for re-examination of his Temporary disability after receiving communication from Government Medical College, & Hospital, Nagpur that Sh Kalbande can come for re-examination. but it is learnt from Regional Director, FSI-Nagpur that Sh. Kalbande have not appeared in the Govt. Medical College & Hospital for re-examination.</p> <p>b. He was again informed to appear before medical board of Govt. Medical College & Hospital, Nagpur for temporary disability re-examination and also Ehler-Danlos syndrome and hypermobility syndrome as claimed by Sh. Kumar Kalbande.</p> <p>c. He is regularly avoiding such re-examinations/tests of his temporary disability.</p> <p>d. His case of temporary disability may be challenged/referred to central government benches at Safdarjung Hospital or AIIMS (New Delhi) for re- examination of his temporary disability.</p>
<p>03 Charge Sheets have been issued to Sh. Kumar Kalbande on</p> <ol style="list-style-type: none"> 1. Complaint of Sexual Harassment of Women at Workplace; 2. Securing job in Forest Survey of India, Regional Office (Central), Nagpur with fake experience certificate signed by his father who was working in the Forest Department of Government of Maharashtra; 3. Unauthorized absence from duty since 04.12.2020 and not joining duty at new place of posting. 	

It is pertinent to mention that, by one or the other pretext, Sh. Kumar Kalbande tries to avoid scheduled enquiry dates.

Numerous Baseless Complaints Of Sh. Kumar Kalbande:- Numerous baseless and false complaints have also been sent to Ministers, VIPs, Court of Chief Commissioner for Persons with Disabilities (Divyangjan), NHRC, National Commission for Backward Classes, National Human Rights Commission etc. by the appellant.

VIP references of Sh. Kumar Kalbande:-

S.No.	Description (VIP references)	Action taken by FSI
1	Sh. Nitin Gadkari Ji-02 references	Reply has been sent on time.
2	Sh. Devendra Fadnavis Ji-01 reference	Reply has been sent on time.
3	Sh. Krupal Jee Tumane Ji-01 reference	Reply has been sent on time.
4	National Human Rights Commission	Reply has been sent on time.
5	Shri Hansraj Gangaram Ahir-01	Reply has been sent on time.
6	The Court of Chief Commissioner for Persons with Disabilities (Divyangjan)	Reply has been sent on time.
7	National Commission for Backward Classes	Reply has been sent on time.

Case-wise observations/directions:

CIC/MOENF/A/2023/608903:

The Commission after adverting to the facts and circumstances of the case, hearing both the parties and perusal of the records, observes that the core contention raised by the Appellant in the instant appeal was non-receipt of information from the CPIO. On the other hand, the Respondent contended that factual position in the matter has already been informed to the Appellant that *"The said O.M. not received in this Division through proper channel."* The Respondent further contended that original OM was not received in their office from DoP&T, as the same was received along with RTI application of the Appellant.

Upon perusal of the records, the Commission observes that the response given by the Respondent is as per the provisions of the RTI Act.

Nonetheless, to address the contentions of the Appellant, the Commission, taking a liberal view in the spirit of RTI Act, observes that the Respondent has now received the *Office Memorandum of DOPT No 43011-35-2022-Estt(Res II) dated 8 December 2022 which is marked to Honorable Secretary MOEFCC New Delhi*, along with the RTI application of the Appellant, therefore, in the interest of justice, the Respondent is directed to re-examine the RTI application dated 02.01.2023 of the Appellant and give updated revised reply/information, as per the provisions of the RTI Act, within a period of six weeks from the date of receipt of this order. The Respondent is at the liberty to verify the genuineness of the OM of DoPT as annexed to the RTI application before complying with the directions of the Commission.

CIC/MOENF/A/2023/603459:

The Commission, after advertent to the facts and circumstances of the case, hearing both the parties and perusal of the records, observes that the core contention raised by the Appellant in the instant appeal was non-receipt of information from the CPIO. On the other hand, the Respondent contended that factual position in the matter has already been informed to the Appellant that *"CPIO, SCMD has NIL information."* However, the same was forwarded to the CPIO, FSI for early disposal.

Upon perusal of the records, the Commission observes that the response given by the Respondent is not as per the provisions of the RTI Act, as merely forwarding the RTI application to another CPIO does not suffice the purpose of the RTI Act.

The Commission further observes that the Respondent has informed that the information sought pertains to some other department i.e. FSI which has its own set up to deal with RTI applications. It is also noted that the Appellant is an employee of FSI. Since the matter is already delayed, therefore, taking a liberal view in the spirit of RTI Act, directs the Respondent to take assistance under Section 5(4) of the RTI Act from the concerned CPIO and collect information as sought in the RTI application and provide reply/information to the Appellant, as per the provisions of the RTI Act, within a period of four weeks from the date of receipt of this order.

CIC/FSOID/A/2023/609550; CIC/FSOID/A/2023/611538:

The Commission after adverting to the facts and circumstances of the case, hearing both the parties and perusal of the records, observes that the core contention raised by the Appellant in the instant appeals was non-receipt of complete information from the CPIO. On the other hand, the Respondents contended that complete point-wise reply/information, as per the documents available on record has already been provided to the Appellant.

Upon perusal of the records, the Commission observes that the response given by the Respondent is as per the provisions of the RTI Act, as complete information has already been provided to the Appellant.

The Appellant is not satisfied with the response given by the Respondent on point No. 6 of the RTI application i.e. *True Copies of Ground Truth Verification done for cycle 2021/22 for each state and person who carried out ground truthing with respect to states for central zone.* And he insisted for inspection of records.

In this regard, the Commission finds no infirmity in the reply as the same was found to be in consonance with the provisions of RTI Act.

CIC/FSOID/A/2023/647520:

The Commission after adverting to the facts and circumstances of the case, hearing both the parties and perusal of the records, observes that the core contention raised by the Appellant in the instant appeal was non-receipt of information from the CPIO. On the other hand, the Respondent contended that point-wise reply/information, as per the documents available on record and as per the provisions of the RTI Act has been provided to the Appellant.

From the perusal of records, the Commission observes that information sought by the Appellant vide his RTI application has already been provided to him as per the provisions of the RTI Act and as per the documents available on record.

In this regard, the Commission finds no infirmity in the reply as the same was found to be in consonance with the provisions of RTI Act.

The Commission finds it pertinent to mention that records reveal that more than 150 RTI applications and more than 10 second appeals have been filed by the same Appellant on similar subject matter and today also five second appeals are being heard. In this regard, a reference of the list of cases is given below:

Sl. No.	Case No.	Public Authority	Order date	Decision uploaded on
1	CIC/FSOID/A/2023/601307	Forest Survey of India, Dehradun	24/03/2023	28/03/2023
2	CIC/FSOID/A/2022/646680	Forest Survey of India, Dehradun	24/03/2023	28/03/2023
3	CIC/FSOID/A/2022/656883	Forest Survey of India, Dehradun	24/03/2023	28/03/2023
4	CIC/FSOID/A/2022/657816	Forest Survey of India, Dehradun	24/03/2023	28/03/2023
5	CIC/FSOID/A/2022/660640	Forest Survey of India, Dehradun	24/03/2023	28/03/2023
6	CIC/FSOID/A/2022/628278	Forest Survey of India, Dehradun	01/09/2022	05/09/2022
7	CIC/FSOID/A/2022/628269	Forest Survey of India, Dehradun	01/09/2022	05/09/2022
8	CIC/FSOID/A/2022/628273	Forest Survey of India, Dehradun	01/09/2022	05/09/2022
9	CIC/FSOID/A/2021/636746	Forest Survey of India, Dehradun	06/06/2022	06/06/2022

Thus, it appears that the Appellant has been repeatedly seeking information on the same subject matter thus wasting the time and resources of Public Authority. Such repetitive litigation is counter-productive to the RTI regime and this aspect has been discussed by the Apex Court in great detail in the case of **Ashok Kumar Pandey vs. The State of West Bengal**, (AIR 2003 SC 280 Para 11), where J. Pasayat had held:

".....It is depressing to note that on account of such trumpety proceedings initiated before the Courts, innumerable days are wasted, which time otherwise could have been spent for the disposal of cases of the genuine litigants. Though we spare no efforts in fostering and developing the laudable concept of PIL and extending our long arm of sympathy to the poor, the ignorant, the oppressed and the needy whose fundamental rights are infringed and violated and whose grievances go unnoticed, unrepresented and unheard; yet we cannot avoid but

expressing our opinion that while genuine litigants with legitimate grievances relating to civil matters involving properties worth hundreds of millions of rupees and criminal cases in which persons sentenced to death facing gallows under untold agony and persons sentenced to life imprisonment and kept in incarceration for long years, persons suffering from undue delay in service matters, Government or private, persons awaiting the disposal of case... .. etc. etc. are all standing in a long serpentine queue for years with the fond hope of getting into the Courts and having their grievances redressed, the busybodies, meddlesome interlopers, wayfarers or officious interveners having absolutely no public interest except for personal gain or private profit either of themselves or as proxy of others or for any other extraneous motivation or for glare of publicity break the queue muffing their faces by wearing the mask of public interest litigation and get into the Courts by filing vexatious and frivolous petitions and thus criminally waste the valuable time of the Courts, as a result of which the queue standing outside the doors of the Courts never moves, which piquant situation creates frustration in the minds of the genuine litigants and resultantly they lose faith in the administration of our judicial system.....”

Emphasis supplied

It is also pertinent to note that the Hon’ble High Court of Madras in the case of **Public Information Officer, Registrar (Administration) Vs B Bharathi** [WP No. 26781/2013 dated 17.09.2014] has also given its opinion about such vexatious and repetitive litigation crippling the public authorities and held as follows:

“...The action of the second respondent in sending numerous complaints and representations and then following the same with the RTI applications; that it cannot be the way to redress his grievance; that he cannot overload a public authority and divert its resources disproportionately while seeking information and that the dispensation of information should not occupy the majority of time and resource of any public authority, as it would be against the larger public interest....”

Emphasis supplied

The Hon’ble Delhi High Court while deciding the case of **Shail Sahni vs. Sanjeev Kumar & Ors.** [W.P. (C) 845/2014] has also made similar observations:

“..... This Court is also of the view that *misuse of the RTI Act has to be appropriately dealt with, otherwise the public would lose faith and confidence in this “sunshine Act”.* A beneficial Statute, when made a tool for mischief and abuse must be checked in accordance with law.”

Emphasis supplied

In the other landmark judgement in the case of **Central Board of Secondary Education & Anr. Vs. Aditya Bandopadhyay & Ors.**, the Apex Court held as follows:

“...37. *Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties...*”

Emphasis supplied

The aforesaid dicta essentially proves that the misuse of RTI Act is a well recognized problem and citizens such as the Appellant should take note that their right to information is not absolute.

It is further noted that the Appellant is a disgruntled employee of the Respondent Public Authority who has been charge-sheeted on various counts. Therefore, while taking recourse to the RTI Act for his service-related matters, the Appellant is expected to approach the Public Authorities with clean hands and with simple form of queries. Under the provisions of the RTI Act, while the CPIO/PIO is obliged to facilitate free flow of information to the citizen and it is equally incumbent upon the information seeker to not to misuse the RTI Act by

seeking information on similar subject-matter. The Commission is also mindful of the fact that the unenviable noble duty assigned under the RTI Act to Central Public Information Officers (CPIO) and First Appellate Authorities (FAA) by the respective Public Authorities is 'in addition to their normal duties and without any additional remuneration paid for the same' for which they must devote extra efforts, time, and energy and if they fault they are liable to be punished while there is no reward for doing this work.

In view of this, Commission finds it pivotal to highlight a recent decision of this bench, wherein aspect of "misuse of the right to information Act by the Appellant" has been explained in a manner. In this regard, ratio laid down in the matter of **Nandkishor Gupta v. CPIO, Northwestern Railway, Head Quarter Office, Malviya Nagar, Jaipur – 302017**. The relevant portion of the said judgment is as under:

"The Appellant being a serving employee of the respondent Public Authority has as much right to information as is available to any other citizen of India. However, such a serving employee has an added obligation to frame the request in simplest and most easily understood form possible because he/she knows the circumstances under which his/her colleagues are working while also discharging the additional duty as CPIO and FAA. Therefore, the conduct of the Appellant in the present matter, to say the least, is questionable and is not appreciated.

Accordingly, the appellant is cautioned and admonished wherein he should keep in mind that the RTI Act should be used judiciously, sensibly and responsibly so that purpose of the RTI Act would not be defeated. The Commission leaves it to the concerned disciplinary authority for any consequent action in the matter. "

The Commission further observes that the Appellant with locomotor disability is filing such large number of RTI applications and the Commission fails to understand as to how he manages to file and maintain the records of such number of RTI applications/first appeals/second appeals. The Appellant has not been judicious in the use of RTI Act and has been using it as a tool to harass the Public Authority through hundreds of applications to settle his personal vendetta arising out of his transfer from Nagpur to Kolkata. The above advisory

for disciplinary authority is reiterated in this case also.

The Appellant is therefore, admonished and is cautioned to exercise his right to information in an informed and judicious manner. Further, he is advised to approach appropriate forum to redress his grievance.

No further relief can be granted in the matter.

The above-mentioned second appeals are disposed of accordingly.

Vinod Kumar Tiwari (विनोद कुमार तिवारी)
Information Commissioner (सूचना आयुक्त)
Date 19-02-2024

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

(R K Rao)
Dy. Registrar
011- 26181827
Date