

Before Vivek Chandel, First Appellate Authority-cum-Director, Technical Education, Vocational and Industrial Training, HP, Sundernagar, District Mandi -175018

Case No.: 2/2023-24

Date of Institution: 07.06.2023

Date of Decision: 16.06.2023

In the Matter of:

Sh. Nitin Chaudhary,
C/O Sh. Arvind Kumar, Lok Mitra Kendra,
Vill. Bhadiara, Tehsil & Distt. Kangra, HP-176209.....Appellant

V/S

PIO-cum-Joint Director, Technical Education, Vocational and Industrial Training, HP, Sundernagar, Distt. Mandi.....Respondent

Appeal under the Right to Information Act.

ORDER

The case was called on 16.06.2023 by issuing notices to the Appellant and P.I.O. The P.I.O. was present on said date whereas the Appellant did not appear before the First Appellate Authority. The brief facts of the case are that the Applicant had asked the following information:

- (a) Is it necessary to produce Non-availability Certificate (NAC) from Govt. Guest House/Rest House while claiming T.E./Hotel Charges Bill?
- (b) Can an employee claim hotel bill without producing Non-availability Certificate (NAC) from Govt. Guest /Rest House?

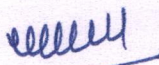
The P.I.O. was asked about the information provided by him to the Appellant wherein he submitted that the information available with this office vide Office Memorandum No. Fin(C)-B(7)-1/2009 dated 20th April, 2012 and Office Memorandum No. Fin (C)-B(7)-1/2009 dated 19.08.2019 issued by the Finance Department to the Government of HP, Shimla having entitlements of

all

Travelling Allowances & Daily Allowance and provisions and revision of entitlement of Hotel Rent to the State Government Employees has duly been provided to the Appellant and there is no place of "If & what" in the RTI Act, 2005 as the public authority under the RTI Act is not supposed to create information; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions. Only such information can be had under the Act which already exists with the public authority. Moreover, a PIO is not expected to provide intangible information such as interpretations, opinions, advices, explanations, reasons as they cannot be said to be included in the definition of information in Section 2 (f) of the RTI Act. Thus, the undersigned is convinced with the arguments of the PIO and upheld his statement.

Whereas, the Appellant was not present despite due intimation, I have perused the entire record of this case and relevant provisions of RTI Act. The requisite information has already been provided to the Appellant by the PIO. Therefore, in view of the facts stated above, the appeal is not sustainable and is hereby rejected.

A copy each of the order be supplied to the PIO and the Appellant for information.



1st Appellate Authority-cum-
Director, Technical Education,
Vocational and Industrial Training,
Himachal Pradesh, Sundernagar

14497
To
7-6-22

First Appellate Authority,
Director, Technical Education,
Vocational and Industrial Training
Sundernagar, Himachal Pradesh

Subject: First Appeal.

Sir/Madam,

I am Nitin Choudhary, I have received an answer dated on 30.05.2023 through RTI but I am not satisfied with these answers. These are the following reasons of my dissatisfaction-

1. Not giving answer for particular thing.....
2. Not mention particular things.....
3. You have not given an answer of Point No. 03 (b).
4. You have sent me a copy of Travelling Allowance Notification No. Fin(C)-B(7)-1/2009 Govt. of H.P. which is also available in the official website but the above said Question is not mentioned on this notification.

Annexed with- 1. Copy of RTI answer.

2. Copy of RTI answer.

3. BPL Certificate.

Dated: 01/06/2023

Regards

Nitin Choudhary

Nitin Choudhary

C/o Sh. Arvind Kumar, Lok
Mitra Kendra, Vill Bhadiara
Teshil & District Kangra (H.P.)
176209 Cont. 9816122005,
9805743202

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