

CENTRAL INFORMATION COMMISSION

Room No. – 308, 2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110066.
Website: cic.gov.in

File No. CIC/SS/C/2013/000227/KY

Petitioner : Shri Bhagwan Chand Saxena
23, 89 East Azad Nagar, Delhi-110051

Public Authority : The CPIO
Ministry of Commerce and Industry
Export Inspection Council of India
NDYMCA Culture Centre Building
3rd Floor, 1, Jaisingh Road, New Delhi-110001

Date of Hearing : 08.09.2016
Date of Decision : 08.09.2016

Presence:

Petitioner : Absent
CPIO : Dr. Amit Sharma, Joint Director & FAA

FACTS:

- I. Vide RTI application dated **05.10.2012**, the Petitioner sought information on **3 issues**.
- II. CPIO, response is not on record.
- III. The First Appeal (FA) was filed on **07.12.2012**, as desired information not provided.
- IV. First Appellate Authority (FAA), is not on record.
- V. Grounds for the Complaint filed on **06.03.2013**, are contained in the Memorandum of Complaint.

HEARING

Petitioner opted to be absent despite of our due notice to him. Respondents appeared before the Commission personally and made the submissions at length.

DECISION

After going through the nature of the prayer clause as mentioned in Petitioner's petition, the Commissioner feels that Shri Bhagwan Chand Saxena filed **petition in composite nature** whereby, the petitioner has sought the required information and also the penal action along with disciplinary proceedings against the erring officials under **Section 20(1) & 20(2)** of the RTI Act 2005. Thus, this **petition may be legally construed as composite petition** in the light of provisions of RTI Act 2005.

2. By virtue of above, the Commission feels that the **composite petitions** of such nature **are not legally tenable**, simply because, if the penal action along with disciplinary proceedings is allowed on such composite petition, the incorporation of Section 20(1) & 20(2) of the RTI Act 2005 **would be rendered as redundant and meaningless**.
3. Further, in other words, it may be stated here that the required information, is legally permissible to be provided to the petitioner, if he wishes to file the petition u/s 19(3) of the RTI Act 2005 i.e. second appeal only before this Commission. Similarly, the reliefs provided under Sub Clause (1) & Sub Clause (2) of Section 20 of the RTI Act 2005, are legally permissible to be provided to the petitioner, in case, he wishes to file the petition u/s 18 of the RTI Act 2005 i.e. a complaint before this Commission and, however, **not in otherwise**.
4. By virtue of the above, the Commissioner feels that **in the absence of expressed & enabling** provisions under the RTI Act 2005 to file the **Composite Petition**, the instant composite petition is **devoid of merit** and deserves to be **dismissed** on this ground only.
5. Apart from above, it is pertinent to mention here that despite of our **due notice**, Petitioner failed to appear **either in person** or through someone, duly authorized by him before the Commission to press his case. However, the Commission feels that Petitioner must have appeared, in such situations, to press his Petition before the Commission, after all, it is his case to be pursued specifically but Petitioner is absent **deliberately**, despite of our due notice. Thus, it shows the intention of the Petitioner that he is not interested, **at all**, in pursuing his own case before the Commission.
6. In view of the above, the Commission feels that **no fruitful purpose** would be served by proceeding **in such cases**. Thus, the Commission is of the considered view that it would be **appropriate and even justified** to **dismiss** the case. Therefore, it is hereby **dismissed**.

The Petition is dismissed accordingly.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)

Deputy Secretary

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