

CENTRAL INFORMATION COMMISSION

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

File No. CIC/CC/C/2014/000233/KY

Petitioner : Mr. Nisar Ahmed Khan
S/o. Gh. Mohd. Khan
R/O. Kawoos Khalisa, Post Office Magam
Pin-193401

Public Authority : The CPIO
M/o Textiles, O/o. Development Commissioner (H)
West Block No. 7, R K Puram
New Delhi-110066

Date of Hearing : 19.09.2016
Date of Decision : 19.09.2016

Presence:

Petitioner : Absent
CPIO : Shri A K Meena, Asst. Director

FACTS:

- I. Vide RTI application dated **22.08.2014**, the Petitioner sought information on **9 issues**.
- II. CPIO, vide his responses dated **28.11.2014 & 16.09.2016**, denied the required information to the Petitioner.
- III. The First Appeal (FA) is not on record.
- IV. First Appellate Authority (FAA) order is not on record.
- V. Grounds for the Petition filed on **04.10.2014**, are contained in the Memorandum of Petition.

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

It would be seen here that the Petitioner, vide his RTI Application dated **22.08.2014**, sought information from the respondents on nine issues as contained

therein. Respondents vide their responses dated **28.11.2014 & 16.09.2016**, denied the required information to the Petitioner by taking a plea under Section 8 (1) (j) read with Section 11 of the RTI Act 2005 being third party information. Being aggrieved by the aforesaid response, Petitioner has filed his Petition dated **04.10.2014** before the Commission.

2. After going through the nature of the prayer clause as mentioned in petitioner's petition, the Commissioner feels that Mr. Nisar Ahmed Khan filed **petition in composite nature** whereby, the petitioner has sought the required information and also the penal action against the erring officials under **Section 20(1)** of the RTI Act 2005. Thus, this **petition may be legally construed as composite petition** in the light of provisions of RTI Act 2005.
3. By virtue of above, the Commission feels that the **composite petitions** of such nature **are not legally tenable**, simply because, if the required information is allowed on such composite petition, the incorporation of Section 19(3) of the RTI Act 2005 **would be rendered as redundant and meaningless**.
4. 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**.
5. 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.
6. However, apart from above, it is to be seen 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.

7. 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 petition. 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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