

# CENTRAL INFORMATION COMMISSION

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

File No. CIC/KY/C/2016/000279

Complainant : Shri Davind Hussain  
Guwahati High Court  
Suraj Complex, 1st Floor, Ulubari Chariali  
P.O. Ulubari, Kamrup (M), Assam-781007

Public Authority : The Chief Engineer (NEZ) & CPIO  
CPWD, Cleve Colony, Dhankheti  
Shillong-793003

Date of Hearing : 13.10.2016

Date of Decision : 13.10.2016

## Presence:

Complainant : Absent  
CPIO : Absent

## FACTS:

- I. Vide RTI application dated **07.04.2016**, the Complainant sought information on **sole issue**.
- II. CPIO, response is not on record.
- III. The First Appeal (FA) is not on record.
- IV. First Appellate Authority (FAA), order is not on record.
- V. Grounds for the Complaint filed on **19.07.2016**, are contained in the Memorandum of Complaint.

## HEARING

**Complainant as well as respondent opted to be absent despite of our due notice to them.**

## DECISION

After going through the nature of the prayer clause as mentioned in petitioner's petition, the Commissioner feels that Shri Davind Hussain 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.

2. 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**.
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. However, apart from above, it is pertinent to mention here that despite of our **due notice**, neither Petitioner nor the respondents appeared **either in person** or through someone, duly authorized by them before the Commission to press their cases. 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 strongly but Petitioner is also 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 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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CPWD, Cleve Colony, Dhankheti  
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