

CENTRAL INFORMATION COMMISSION

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

File No. CIC/LS/C/2012/000535/KY

Petitioner : Shri Farcis Fernandes
C/o. Shri S C Tiwari
M-104, DuplexStatium Ground
Nandanagar, Indore-452011

Public Authority : The CPIO
M/o Textiles, National Textile Corporation Limited
Scope Complex, Lodhi Road, New Delhi-110003

Date of Hearing : 26.09.2016
Date of Decision : 26.09.2016

Presence:

Petitioner : Absent
CPIO : Absent

FACTS:

- I. Vide RTI application dated **19.10.2011**, the Petitioner sought information on **3 issues**.
- II. CPIO, response is not on record.
- III. The First Appeal (FA) was filed on **10.01.2012**, as desired information not provided.
- IV. First Appellate Authority (FAA), is not on record.
- V. Grounds for the Petition filed on **24.03.2012**, are contained in the Memorandum of Petition.

HEARING

Petitioner as well as respondents 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 Farcis Fernandes filed **petition in composite nature** whereby, the petitioner has sought the required information along with compensation 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 required information along with compensation 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 along with compensation, 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 to be seen here that despite of our **due notice**, neither Complainant 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 complainant must have appeared, in such situations, to press his complaint before the Commission, after all, it is his case to be pursued strongly but complainant is also absent **deliberately**, despite of our due notice. Thus, it shows the intention of the complainant 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

The CPIO

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