

CENTRAL INFORMATION COMMISSION

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

Files No. CIC/LS/C/2012/000536/KY

CIC/LS/C/2012/000537/KY

Complainant : Shri Farncis 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:

Complainant : Absent
CPIO : Shri Vinay Kumar Asst. Manager & APIO

A) FACTS of file no. CIC/LS/C/2012/000536/KY:

- I. Vide RTI application dated **21.11.2011**, the Complainant sought information on **A (a-g), B (a-d) issues**.
- II. CPIO, response is not on record.
- III. The First Appeal (FA) was filed on **11.01.2012**, as desired information not provided.
- IV. First Appellate Authority (FAA), is not on record.
- V. Grounds for the Complaint filed on **23.03.2012**, are contained in the Memorandum of Complaint.

B) FACTS of file no. CIC/LS/C/2012/000537/KY:

- I. Vide RTI application dated **19.12.2011**, the Complainant sought information on **3 issues**.
- II. CPIO, response is not on record.
- III. The First Appeal (FA) was filed on **23.01.2012**, as desired information not provided.
- IV. First Appellate Authority (FAA), is not on record.

- V. Grounds for the Complaint filed on **22.03.2012**, 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 petitions, the Commissioner feels that Shri Farncis Fernandes filed **petitions 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 **petitions may be legally construed as composite petitions** 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 Petitions**, the instant composite petitions are **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**, petitioner failed to appear **either in person** or through someone, duly authorized by him before the Commission to press his cases. However, the Commission feels that petitioner must have appeared, in such situations, to press his petition before the Commission, after all, these are his cases 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 cases 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 petitions. Therefore, these are hereby **dismissed**.

The Petitions are dismissed accordingly.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)

Deputy Secretary

The CPIO

M/o Textiles, National Textile Corporation Limited

Scope Complex, Lodhi Road, New Delhi-110003

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