

CENTRAL INFORMATION COMMISSION

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

File No. CIC/KY/A/2016/001041

Petitioner : Shri Prashant Kumar
S/o. Shri Narayan Choudhary
Choti Khanjarpur, KashiMishtri Lane
S M College Road, Bhagalpur-812001

Public Authority : The CPIO
M/o Urban Development,
CPWD, Nirman Bhawan, New Delhi-110011

Date of Hearing : 31.08.2016

Date of Decision : 31.08.2016

Presence:

Petitioner : Shri Prashant Kumar
CPIO : Shri K B Singh, A E & PIO

FACTS:

- I. Vide RTI application dated **02.03.2016**, the Petitioner sought information on **6 issues**.
- II. CPIO, vide its responses dated **16.03.2016 & 23.03.2016**, reportedly not provided the information to the Petitioner.
- III. The First Appeal (FA) was filed on **02.04.2016**, as desired information not provided.
- IV. First Appellate Authority (FAA), order is not on record.
- V. Grounds for the Petition filed on **26.05.2016**, are contained in the Memorandum of Petition.

HEARING

Petitioner as well as respondent appeared before the Commission personally and made the submissions at length.

DECISION

It is pertinent to mention here that Shri Prashant Kumar, Petitioner, has filed his petition dated **26.05.2016** which is **in composite nature** whereby, the petitioner has sought the **required information** under **Section 7(6)** by way of filing Second Appeal under **Section 19(3) of the RTI Act 2005** and also the **penal action** along with **disciplinary action** against the respondents 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 action is allowed on such composite petition, the incorporation of Section 18 read with section 20 of the RTI Act 2005 would be rendered as **redundant & 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. The Commissioner heard the submissions made by petitioner as well as respondents at length. The Commissioner also **perused** the case-file **thoroughly**; specifically, **nature of issues** raised by the petitioner in his RTI application dated **02.03.2016**, respondent's responses dated **16.03.2016 & 23.03.2016**, **other materials made available** on record including petitioner's written submissions dated **31.08.2016** and also the grounds of memorandum of Petition.
5. In view of the **position** above and in the **circumstances** of the case, 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.

The petition is **dismissed** accordingly.

Sd/-
(M.A. Khan Yusufi)
Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)
Deputy Secretary

The CPIO
M/o. Urban Development,
Central Public Works Department,
Nirman Bhawan, New Delhi-110011

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