

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/2016/001059

Appellant : Shri Ajit Kumar Singh
RTI, Worker 2nd Floor, Ebha Mention
37 Sharatchander Path, GhantagharChowk
Bhagalpur-812001, Bihar

Public Authority : The CPIO
Ministry of Youth Affairs and Sports, Nehru Yuva Kendra Sangathan
2nd Floor, Core-IV, Scope Minar, Laxmi Nagar District Centre,
Vikas Marg, Delhi-110092

Date of Hearing : 05.09.2016
Date of Decision : 05.09.2016

Presence:

Appellant : Absent
CPIO : Absent

FACTS:

- I. Vide RTI application dated **18.02.2016**, the appellant sought information on **sole issue**.
- II. CPIO, vide its response dated **18.03.2016**, **27.04.2016**, reportedly not provided the information to the Appellant.
- III. The First Appeal (FA) was filed on **30.03.2016**, as desired information not provided.
- IV. First Appellate Authority (FAA) order is not on record.
- V. Grounds for the Second Appeal filed on **28.05.2016**, are contained in the Memorandum of Second Appeal.

HEARING

Appellant 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 Ajit Kumar Singh filed **petition in composite nature** whereby, the petitioner has sought the required information under **Section 7(1)** of the RTI Act 2005 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 penal action along with disciplinary action is allowed on such composite petition, the incorporation of Section 20(1) & Section 20(2) of the RTI Act 2005 **would be rendered as redundant and meaningless**.
3. Further, in other words, it may be stated here that the relief provided under Section 7(1) of the RTI Act 2005, 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 and to meet the end of justice, the Commission feels that it would be appropriate and even justified to convert the captioned petition into a second appeal. Therefore, it is converted into a **second appeal and** is being dealt with on merit as under:
 - a. It would be seen here that the appellant, vide his RTI Application dated **18.02.2016**, sought information from the respondents on **sole issue**. Respondents, vide their response dated **18.03.2016 & 27.04.2016**, allegedly **transferred** the appellant's RTI application to the concerned Public Authority for taking necessary action. Further, FA was filed by the appellant on **30.03.2016** before the FAA, who **could not take up** the same for its disposal **for the reasons best known to him**.
 - b. The Commissioner **perused** the case-file **thoroughly**; specifically, **nature of issue** raised by the appellant in his RTI application dated **18.02.2016**, respondent's response dated **18.03.2016 & 27.04.2016**, other material made available on record and also the grounds of memorandum of second appeal.
 - c. The Commission is of the considered view that the appellant has been **deprived** by the respondents **deliberately** from having the benefits of the RTI Act 2005, **even after lapse of more than six months period**. Thus, the respondents **have defeated the very purpose** of the RTI Act 2005 for which it was legislated by Parliament of India. As such, the Commission feels that appellant's second appeal deserves to be allowed in toto. Therefore, it is **allowed in toto**.
 - d. In view of the above, the respondents are hereby directed to provide the **complete & categorical** information, **issue-wise**, to the appellant as per his RTI application, **in**

accordance with the provisions of RTI Act 2005, within 30 days from the date of receipt of this order under intimation to this Commission. **If need be, Section 5(4) of the RTI Act 2005 may also be invoked in the matter.**

The Appeal is disposed of accordingly.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)

Deputy Secretary

The CPIO

Ministry of Youth Affairs and Sports,

Nehru Yuva Kendra Sangathan

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