

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/2016/001140

Appellant : Shri Girish Bhushan Goyal
T-90, Shivalik Nagar, Dist-Haridwar
Uttarakhand-249403

Public Authority : The CPIO
Ministry of Heavy Industries and Public Enterprises
BHEL, Electrical Equipment Plant
Room No. 7, HRDC, Sec-1
Ranipur, Haridwar-249403

Date of Hearing : 05.09.2016
Date of Decision : 05.09.2016

Presence:

Appellant : Absent
CPIO : Absent

FACTS:

- I. Vide RTI application dated **23.11.2015**, the appellant sought information on **3 issues**.
- II. CPIO, vide its response dated **07.12.2015**, reportedly not provided the information to the Appellant.
- III. The First Appeal (FA) was filed on **06.01.2016**, as desired information not provided.
- IV. First Appellate Authority (FAA), vide its order dated **24.02.2016**, upheld the decision of CPIO.
- V. Grounds for the Second Appeal filed on **25.04.2016**, 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 Girish Bhushan Goyal filed **petition in composite nature** whereby, the petitioner has sought the required information 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 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 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 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 is pertinent to mention here that the appellant, vide his RTI Application dated **23.11.2015**, sought information from the respondents on **three issues**. Respondents, vide their response dated **07.12.2015**, provided the required information to the appellant. Being aggrieved by the aforesaid response, FA was filed by the appellant on **06.01.2016** before the FAA, who vide his order dated **24.02.2016**, disposed of the FA by upholding the views of CPIO.
 - b. Further, it is to be seen here that appellant vide his hand written submissions dated **30.08.2016**, has submitted before this Commission, as under:

“It is to bring into the kind notice of the Commission that subsequent RTI inquires have revealed the desired information from the CPIO, BHEL, Haridwar and that the matter in respect of the petition dated 02.05.2016 **may be treated as closed and settled.**”
 - c. The Commissioner **perused** the case-file **thoroughly**; specifically, **nature of issues** raised by the appellant in his RTI application dated **23.11.2015**, respondent's response dated **07.12.2015**, FAA's order dated **24.02.2016**, other material made available on record including appellant's written submissions dated **30.08.2016** and also the grounds of memorandum of second appeal.

- d. In view of the **position** above and in the **circumstances** of the case, the Commission is of the considered view that the respondents have provided the required information to the appellant in terms of **Section 2(f) of the RTI Act 2005**. In view of this, the Commission feels that the appellant's second appeal becomes **redundant** in this regard. Thus, the appellant's second appeal deserves to be **dismissed**. Therefore, it is **dismissed**.

The Appeal is dismissed accordingly.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)
Deputy Secretary

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