

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/2016/001147

Appellant : Dr. Jayanti Dutta Roy
House No. 258, Sarangpur Village
PO-Sector-14, Chandigarh-160014

Public Authority : The CPIO
Chandigarh Administration, Dept. of Rural Development,
Old Architect Buildings, Sector-19B, Chandigarh

Date of Hearing : 06.09.2016
Date of Decision : 06.09.2016

Presence:

Appellant : Absent
CPIO : Shri Sunder Lal, Panchayat Officer and
Shri Rajinder Sharma, Panchayat Secretary

FACTS:

- I. Vide RTI application dated **18.11.2015**, the appellant sought information on **sole issue**.
- II. CPIO, vide his response dated **01.12.2015**, allegedly not provided the required information to the appellant.
- III. The First Appeal (FA) was filed on **01.02.2016**, as desired information not provided.
- IV. First Appellate Authority (FAA), vide his order dated **28.06.2016**, disposed of the FA.
- V. Grounds for the Second Appeal filed on **21.06.2016**, are contained in the Memorandum of Second Appeal.

HEARING

Petitioner 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 Dr. Jayanti Dutta Roy 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 is allowed on such composite petition, the incorporation of Section 20(1) 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. 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
Chandigarh Administration, Dept. of Rural Development,
Old Architect Buildings, Sector-19B, Chandigarh

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