

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/2016/001167

Appellant : Shri J. K. Mittal
57, East End Enclave,
Delhi-110092

Public Authority : The Sr. R. O (RTI)
DDA, Vikas Sadan, INA
New Delhi-110023

Date of Hearing : 21.09.2016

Date of Decision : 21.09.2016

Presence:

Appellant : Absent
CPIO : Absent

FACTS:

- I. Vide RTI application dated **08.12.2015**, the Appellant sought information on **5 issues**.
- II. CPIO, response is not on record.
- III. The First Appeal (FA) was filed on **23.05.2016**, as desired information not provided.
- IV. First Appellate Authority (FAA), is not on record.
- V. Grounds for the Second Appeal filed on **13.07.2016**, 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

At the outset, it is to be seen here that despite of our **due notice**, neither Appellant nor the respondents appeared **either in person** or through someone, duly authorized by them before the Commission to press their cases. Thus, it shows the intention of the Appellant as well as respondents that they are not interested, **at all**, in pursuing their own case before the Commission.

2. It is also worth to mention here that Shri J K Mittal, Appellant, vide his application dated 16.09.2016, requested the Hon. Chief Information Commissioner to get this case transferred from the undersigned to some other Hon. Information Commissioner for its adjudication on **some false allegation** and a second copy of the same was also submitted to the undersigned for the same purpose. As such, this Office also forwarded a short note dated 16.09.2016 along with the second copy of application, addressed to the undersigned to Hon. CIC for the purpose. However, **Hon. CIC declined to transfer the case from the undersigned to some other Hon. Information Commissioner for its adjudication.** Thus, the undersigned is legally bound to take up the case for its adjudication. As such, it is being dealt with as follow.
3. Further, after going through the nature of the prayer clause as mentioned in petitioner's petition, the Commission feels that Shri J. K. Mittal, Appellant, filed a **petition in composite nature** whereby, the petitioner has sought the **required information and also the penal action along with disciplinary proceeding 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.
4. In view 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 proceeding is allowed on such composite petition, the incorporation of Section 20(1) & 20(2) of the RTI Act 2005 **would be rendered as redundant and meaningless.**
5. By virtue of the above, 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 & **not in otherwise.**
6. In view of the position 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.
7. 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, accordingly.

8. It is pertinent to mention here that the appellant, vide his RTI Application dated **08.12.2015**, sought information from the respondents on **5 issues**. However, respondents **failed to furnish** any response to the appellant. Being aggrieved with the aforesaid PIO's **inaction**, appellant filed his FA on **23.05.2016** before FAA, who **could not take up** the same for its disposal **for the reasons best known to them**.
9. The Commissioner **perused** the case-file **thoroughly**; specifically, **nature of issues** raised by the appellant in his RTI application dated **08.12.2015**, other material made available on record and also the grounds of memorandum of appellant's petition dated **13.07.2016** converted into second appeal.
10. By virtue of **position** above and in the **circumstances** of the case, the Commission is of the considered view that it is a fit case to be **remanded back** to learned FAA with a direction to dispose of the Appellant's FA filed on **23.05.2016**, **in accordance with the provisions of RTI Act 2005**, and after giving an opportunity to the appellant of being heard, **within 30 days** from the date of receipt of this order under intimation to the Commission. As such, the case is **remanded back**.

The Appeal is disposed of accordingly.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)

Deputy Secretary

The Sr. R. O (RTI)

DDA, Vikas Sadan, INA

New Delhi-110023

Shri J. K. Mittal

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