

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/2016/001184

Petitioner : Shri Rajat Kumar Mehera
28A, Sampurnanada Nagar, Sagra Varanasi- 221010

Public Authority : The CPIO
M/o Corporate Affairs, O/o ROC U.P & U.T,
10/499-B, Allenganj Khalasi Line, Kanpur, Uttar Pradesh

Date of Hearing : 05.10.2016
Date of Decision : 05.10.2016

Presence:

Petitioner : Shri Rajat Kumar Mehera
CPIO : Absent

FACTS:

- I. Vide RTI application dated **26.11.2015**, the Petitioner sought information on **sole issue**.
- II. CPIO, vide its response dated **23.12.2015**, **03.02.2016**, **13.04.2016**, denied to provide the information u/s 8 (1) (j).
- III. The First Appeal (FA) was filed on **21.02.2015**, as desired information not provided.
- IV. First Appellate Authority (FAA), vide its order dated **11.04.2016**, transferred to concern office.
- V. Grounds for the Petition filed on **07.06.2015**, are contained in the Memorandum of Petition.

HEARING

Petitioner appeared before the Commission personally and made the submissions at length. **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 Rajat Kumar Mehera filed **petition in composite nature** whereby, the petitioner has sought the required information along with compensation 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.

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 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**.
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. 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 petitions, the instant composite petitions are **devoid of merit** and deserve to be **dismissed**. Therefore, instant composite petition is hereby dismissed subject to liberty to the petitioner to file a separate petition as per Law.

The petitions are dismissed accordingly.

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

Authenticated true copy

(Krishan Avtar Talwar)
Deputy Secretary

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