

## **CENTRAL INFORMATION COMMISSION**

Room No. – 308, 2<sup>nd</sup> Floor, August Kranti Bhawan,  
Bhikaji Cama Place, New Delhi – 110066.  
Website: cic.gov.in

**File No. CIC/KY/C/2015/000183**

Petitioner : Shri Akshay Kumar Malhotra  
AC-179A, Shalimar Bagh, Delhi-110088

Public Authority : The Dy. Director (CL) & CPIO  
DDA, A-Block, 2nd Floor, VikasSadan  
INA, New Delhi-110023

Date of Hearing : 09.03.2016  
Date of Decision : 09.03.2016

### **Presence:**

Petitioner : Shri Akshay Kumar Malhotra  
CPIO : Absent

### **FACTS:**

- I. Vide RTI application dated **04.09.2015**, the Petitioner sought information on **3 issues**.
- II. CPIO, response is not on record.
- III. The First Appeal (FA) is not on record.
- IV. First Appellate Authority (FAA), order is not on record.
- v. Grounds for the Petition filed on **29.10.2015**, 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**

It is pertinent to mention here that Shri Akshay Kumar Malhotra, Petitioner, vide his petition dated **29.10.2015**, requested this Hon. Commission as under:

*“As CPIO has didn't even respond back to my RTI application and thus failed to provide me with the information and hence is liable for penalty as well as disciplinary action against him So, Hon. IC is requested to please take necessary action against the CPIO and*

- i) Impose a punitive penalty on PIO under section 20(1) of the RTI Act 2005*

*ii) Impose a disciplinary penalty on PIO under section 20(2) of the RTI Act 2005*

*Hon. IC is requested to initiate an inquiry under section 18(2) of the RTI Act 2005, on the matter related to failure of CPIO of Public Authority to provide any information as per section 18(1)(b), 18(1)(c) and 18(1)(f) of the RTI Act 2005.*

*Hon. IC is requested to direct Public Authority to submit their evidence/statement by way of affidavit, as mentioned under section 18(3) (c) of the RTI Act 2005.*

*Section 19(8)(a)(v) of the RTI Act 2005, that ,’in its decision, the Central Information Commission or State Information Commission, as the case may be, has the power to— require the public authority to take any such steps as may be necessary to secure compliance with the provisions of this Act, including— by enhancing the provision of training on the right to information for its officials’ and*

*So, it is requested to Hon. IC to direct Public Authority to designate capable and efficient persons as CPIO and to strengthen their RTI Cell and give the responsibility of the CPIO to officer(s) who are suitable and capable enough to carry on with their responsibilities of CPIO of the Public Authority to have a mechanism to give adequate training to its officers, to perform their responsibilities as CPIO, diligently and efficiently.”*

1. In view of the nature of the prayer clause (supra), the Commissioner feels that Shri Akshay Kumar Malhotra, filed **petition in composite nature** whereby, the petitioner has sought **relief provided** under **Section 19(8)(a)(v) of the RTI Act 2005** and also the **penal action** along with **disciplinary action** against the respondents 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 petition** of such nature is **not legally tenable**, simply because, if the **relief provided** under **Section 19(8)(a)(v)** is allowed on such composite petition, the incorporation of Section 19(3) 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 19(8) (a)(v) 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 . 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 petition**, the instant composite petition is **devoid of merit** and deserves to be **dismissed**.

The petition is **dismissed** accordingly.

(M.A. Khan Yusufi)  
Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)  
Deputy Secretary

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