

# TELANGANA STATE INFORMATION COMMISSION

(Under Right to Information Act, 2005)

Samachara Hakku Bhavan, D.No.5-4-399, '4' Storied Commercial Complex,  
Housing Board Building, Mojam Jahi Market, Hyderabad – 500 001.  
Phone Nos: 040-24740638 (o); 040-24740592(Fax)

**Appeal No. 1091/SIC-Dr.Mohd.Ameer/2018**

**Dated: 11-04-2022**

Appellant : **Sri R.JANARDHAN, R/o Hyderabad District**

Respondents : **The Public Information Officer (U/RTI Act, 2005) /  
O/o the Director of Agriculture Marketing,  
H.No.3-6-184, 2<sup>nd</sup> Floor, Telangana State Housing Corporation Limited,  
Urdu Hall Galli, Himayathnagar, Hyderabad-500029.**

**The Appellate Authority (U/RTI Act, 2005) /  
Director of Agriculture Marketing,  
O/o The Director of Agriculture Marketing,  
H.No.3-6-184, 2<sup>nd</sup> Floor, Telangana State Housing Corporation Limited,  
Urdu Hall Galli, Himayathnagar, Hyderabad-500029.**

## **ORDER**

**Sri R.JANARDHAN, R/o Hyderabad District** filed 2<sup>nd</sup> appeal dated 14-01-2018 which was received by this Commission on 22-01-2018 for not getting the information sought by him from the PIO / Additional Personal Secretary, O/o The Honorable Minister for Marketing, BRKR Bhavan, 4<sup>th</sup> Floor, Tankbund Road, Hyderabad and 1<sup>st</sup> Appellate Authority / Private Secretary, O/o The Honorable Minister for Marketing, BRKR Bhavan, 4<sup>th</sup> Floor, Tankbund Road, Hyderabad.

The brief facts of the case as per the appeal and other records received along with it are that the appellant herein filed an application dated **03-10-2017** under Sec.6(1) of the RTI Act, 2005, before the PIO seeking the following information:

**Sub:** Petition under Section 6(1) of the Right to Information Act, 2005 for getting the certain information on certain issues from the office of the Minster for Marketing on my representation copy made to him for my personal attention – Requested – Regarding.

**Ref:** Xeroxed of the copy made to the Honorable Minister for Marketing, dated; 29.09.2017 is herewith enclosed.

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I invite your kind attention to the subject and reference cited above, I request you to kindly provide the endorsed on my representation of the Honorable Minister for Marketing vide reference cited above as I would like to know the clarity of endorsement and in the meantime I would like to meet personally to express my inner feelings in the drastically issue which is prolonging years together as I did not indulge in any manner and the existing Director of Agril. Marketing (FAC) is playing the gimmicks on her own as she neglecting the endorsements of the Honorable Minister for Marketing and now bluntly rejected the endorsement of the then Director of Agril. Marketing on my representation made to him on Dated: 07.11.2015, the Xeroxed of the same is herewith enclosed for your kind perusal and necessary pursuance as my request is only for the modification orders on the vernacular Press item dated: 31.09.2009, hence to kindly provide the endorsed copy of the Honorable Minister for Marketing on my representation dated: 29.09.2017 under Right to Information Act, 2005 since the Honorable Minister for Marketing is also the Public Authority under Section 4(1) (b) of the RTI Act 2005.

The Public Information Officer has not furnished the sought information to the appellant.

Since the appellant did not receive the information from the Public Information Officer, he filed 1<sup>st</sup> appeal dated **10-12-2017** before the 1<sup>st</sup> Appellate Authority requesting him to furnish the information sought.

As per the records enclosed it is noticed that the 1<sup>st</sup> Appellate Authority had failed to hear the case and pass appropriate orders on the 1<sup>st</sup> appeal filed before him.

As the appellant did not get information from the Public Information Officer, he preferred this 2<sup>nd</sup> appeal before this Commission requesting to arrange to furnish the information sought by him.

The 2nd Appeal was taken on file and notices were issued to the parties concerned for hearing on **08-09-2021**.

On **08-09-2021** the case is called. The Appellant is present. The PIO / Private Secretary to Hon'ble Minister for Agriculture, BRKR Bhavan, 4<sup>th</sup> Floor, Hyderabad is present. The First Appellate Authority / O/o. the Private Secretary to Hon'ble Minister for Agriculture, BRKR Bhavan, 4<sup>th</sup> Floor, Hyderabad is absent.

The PIO submitted that the present office of Minister for Marketing has taken over charge in February, 2019. All the (5) cases referred by the Commission relates to prior to February, 2019. Hence, there is no previous record available in peshi. She further submitted that representation / grievance received in the peshi are generally forwarded to the concerned Administration Department for taking further action.

The appellant also admitted that there is no information pending with the peshi of Minister. It is the responsibility of the Director of Agriculture to initiate action on the applications endorsed by the Minister and submit compliance to the Minister. The matter is pending with the Director of Agriculture.

After hearing nearly (30) cases, the appellant was insisted for the root cause of filing such spate of applications before the PIO / O/o. the Director of Agricultural Marketing, Minister for Agriculture and other PIOs in the Hyderabad and around. The appellant put forth his main crux of issue of his representation dated 07-11-2015 to the then Director of Agricultural Marketing and his endorsement "put up modified orders". The main allegation against the present Director of Agricultural Marketing that he is feeling lot of harassment and humiliation for prolonging the issue of modified orders in his personal disciplinary case which occurred when he was working as consultant in Agricultural Market Committee, Rama Krishnapuram on contract basis after retirement from the Department. That the Director of Agricultural Marketing is ignoring his personal issue due to grudge that he requested the Government to post an IAS officer in her post as she is Non Cadre Officer and as such unable to take quick action in his case. He further submitted that he is ready to face any fresh enquiry in his disciplinary case, but he is requesting to drop the punishment awarded earlier and to give a clean chit in the matter.

Heard both the parties and perused the records.

The appellant has been filing number of cases since 2015 with Agriculture Department only due to non-processing of his personal disciplinary case. All cases are revolving on this issue only. The OSD to Hon'ble Minister for Agriculture submitted that the matter of his disciplinary case has to be dealt by the Director of Agricultural Marketing only.

In view of the above facts and circumstances, the Commission is of the view that the hearing of First Appellate Authority / Director of Agriculture has to be done to resolve the issue to a logical end for once for all and to prevent appellant filing umpteen applications on the same matter. The appellant also agreed for the same.

Therefore, the case was adjourned to **11-04-2022**.

On **11-04-2022** the case is called. The appellant is present. The Public Information Officer / Assistant Director, O/o the Director of Agriculture Marketing, Hyderabad is present. The 1st Appellate Authority is present.

The appellant submitted that he represented before the then Director of Agriculture Marketing on 07-11-2015 to give clean chit on the allegations made causing his termination from service on contract basis while working as consultant of Rythu Bazar, Ramakrishnapuram as he did not indulge in any manner. That the then Director endorsed on his representation "put up modify orders". But till now no action has been taken to issue modified orders by the present Director of Agriculture Marketing.

The 1st Appellate Authority / Director of Agriculture Marketing submitted that Sri R.Janardhan is Pensioner of this department. He has retired in the cadre of Secretary Grade-II in AMC service of this department. After his retirement he has worked as consultant in Rythu Bazar, Rama Krishnapuram and after a short period an adverse news item published in Daily News Paper on 31-08-2019 and the Assistant Director of Marketing, Ranga Reddy District has submitted a preliminary report on 01-09-2009 on the news item. In the report he has stated that ever since Sri R.Janardhan joined at R.K.Puram Rythu Bazar he created a fictitious scene that he has working as Special Officer or Chief Executive Officer, Rythu Bazars. The Assistant Director of Marketing, Ranga Reddy District reported that the behavior and action of the consultant is very much rude. Basing on the preliminary enquiry report of the Assistant Director, Ranga Reddy District his services were terminated with immediate effect vide C&DAM proceedings dated 01-09-2009. Subsequently he filed number of representations to conduct impartial enquiry and as per directions of the then C&DAM the JDM, Hyderabad enquired into the matter and submitted his report on 06-08-2013. After examining the report the enquiry was closed as no further action needed. Subsequently he filed representation on 07-11-2015 to then Director of Agriculture Marketing, Hyderabad who endorsed as "put up file" for modified orders. The file was submitted to the Additional Director of Agriculture Marketing who discussed with DAM, Hyderabad and decided not to issue any modified orders since the matter was already closed. The same was informed to the applicant on 22-03-2017.

She further submitted that Sri R.Janardhan was appointed as Consultant on contract basis and this office terminated his services without taking any action against him.

She further submitted that there is no public interest in his applications and he is wasting the valuable time of PIO and other staff of office. When he inspecting the files his behavior is very rude and using unparliamentarily language. Thus he is harassing the staff and PIO. He is humiliating the officers of the Department in his RTI applications and other representations

Therefore, she requested not to admit RTI Applications and Appeals of Sri R.Janardhan in this issue and close the present cases.

She further submitted that there is no public interest in his applications and he is wasting the valuable time of PIO and other staff of office. When he inspecting the files his behavior is very rude and using unparliamentarily language. Thus he is harassing the staff and Public Information Officer. He is humiliating the officers of the Department in his RTI applications and other representations.

She further referred to the Hon'ble Central Information Commission in Appeal No.CIC/AD/A/2013/001326-SA filed by Mr.Ramesh Chand Jain Vs. Delhi Transport Corporation held that:-

"a) The citizen do not have a right to repeat the same or similar or slightly altered information which he already got, (the combined reading of various provisions of RTI Act, along with the statement of objectives of the Act)

b) Once an RTI application is answered, the appellants shall refrain themselves from filing another RTI application against the Public Authority as once information is received and held by them or posted in public domain, the applicants are not supposed to seek it again under RTI applications.

Heard both the parties and perused the records.

In view of the detailed narration of factual status of matter by the 1st Appellate Authority, the Commission is of the view that the request of the appellant to issue modified orders in his disciplinary case is a grievance and there is no point in seeking such remedy after (13) years and that to only termination of contractual service without inflecting any punishment as explained by the 1st Appellate Authority. This request of the appellant is felt ridiculous and obviously out of personal vendetta against the 1st Appellate Authority which cannot be dealt under the provisions of RTI Act 2005.

It is apt to mention certain relevant portion of the orders of the Central Information Commission, New Delhi in the case of Mr.Ramesh Chand Jain Vs. Delhi Transport Corporation as under.

The Commission noticed that three or four former employees in every public authority, who were either suspended or removed or facing charges, convicted in a crime or facing disciplinary action, or trying to run a counter inquiry with several harassing questions. The Commission also noted an atmosphere of fear and worry was spread in the offices and among the officers who are hesitating to take action against erring staff members for fear of facing flood of questions under RTI. Sometimes, the RTI applications are running into hundreds similar to those posed by lawyers during cross examination. It is almost a parallel enquiry against the authorities whose decision or disciplinary action might have adversely affected them. The respondents submitted that they were ready to comply with the RTI Act but answering 'enquiry' type questions and repeated RTI applications would involve diversion of resources, energy besides having demoralizing effect. The Commission appreciates the genuineness of the problem and sincere feelings of the respondent officers and finds a need to address this serious issue. It is the responsibility of Government of India and Information Commissions to see that the RTI Act will not become rendezvous for disgruntled elements.

Once information is given, applicant shall not seek the same once again in the guise of different form or language. If the applicant seeks information again and again, the PIO, the First Appellate Authority and the Commission would be forced to spend their time on this repeated application, and in the process the authorities would lose that much time to address the other RTI applications or performing their general duties in their public office. Repeated RTI applications will amount to clogging the office of public authority and CPIO would be justified in refusing the same with intimation of reasons. Because the repeated RTI application has an effect of clogging the public offices, it would amount to obstructing the free flow of information to deserving and genuine RTI applicants, besides preventing the officers from performing their general duties attached to their office.

In view of the above observations of the Central Information Commission, New Delhi, the appellant is hereby admonished not to file such repeated applications on the same matter hereafter which would amount to misuse or abuse of RTI Act 2005 and the Commission will be constrained not to entertain such applications.

The Commission further observed that the same matter was raised under RTI Act 2005 by the appellant before several channels i.e. C&DAM, Chief Secretary, Hon'ble Minister for Agriculture etc. The same was earlier heard by the Commission several times and closed the same as the factual information was furnished to the appellant. Moreover, as the request of the appellant is a grievance, he is advised to seek appropriate remedy by agitating before proper forum.

With the above observations and directions, **the appellant is closed.**

**Dr. Mohd. Ameer**  
**State Information Commissioner**

**Authenticated by:**

**Assistant Registrar**  
**Copy to: IT Section/SF**