

Telangana State Information Commission

(Under Right to Information Act, 2005)

D.No.5-4-399, Samachara Hakku Bhavan (Old ACB Building),

Mojam-jahi-Market, Hyderabad - 500 001

Phone: 24740666 Fax: 24740592

Appeal No:2979/SIC-MNR/2020

Date: - 18-01-2022

Appellant : Sri S. Bhanu Shankar Rao, Flat No. 167, H. No. 13-1-237/11, Mothi Kalyan Apartments, Mothinagar, Hyderabad - 500 114.

Respondents : Public Information Officer (U/RTI Act, 2005) The Revenue Divisional Officer, Malkajgiri, Medchal - Malkajgiri District.
First Appellate Authority (U/RTI Act, 2005) The District Revenue Officer, Medchal - Malkajgiri District.

Order

Sri S. Bhanu Shankar Rao has filed second appeal dated **03-03-2020** which was received by this Commission on **04-03-2020** for not getting the information sought by him from the Public Information Officer/ The Revenue Divisional Officer, Malkajgiri, Medchal - Malkajgiri District and the First Appellate Authority/ The District Revenue Officer, Medchal - Malkajgiri District.

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 **30-08-2019** before the Public Information Officer requesting to furnish the information under Sec. 6(1) of the RTI Act, 2005 on the following points mentioned:

విషయము:- 2005 నల్లమల జిల్లా సమాచార హక్కు చట్టము విభాగము క్రింది ఉంది సు- డివిజన్ కు కురిచినది, డివిజన్ కు కురిచినది నెంబర్ నం: 7, 11, 18, 20, 22, 26, 28, 29, 41, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

అందుకు; మామూలు కేసుల డైరీల నుండి; ఈ విషయములో తెలుపుబడిన సమాచారం డివిజన్ కు కురిచినది, 38E-విభాగము లోని సమాచారం కురిచినది, సమాచారం కురిచినది, సమాచారం కురిచినది, సమాచారం కురిచినది, సమాచారం కురిచినది, సమాచారం కురిచినది, సమాచారం కురిచినది, సమాచారం కురిచినది, సమాచారం కురిచినది, సమాచారం కురిచినది.

The Public Information Officer through Memo No. K/RTI/841/2019 dated 26-11-2019 informed to the appellant that certified copies 38E of Ghatkesar Mandal is not traceable in their office and hence desired information cannot be furnished.

Note: This is system generated copy and no signature is required

Stating that the appellant was not satisfied with the reply of the Public Information Officer, he filed 1st appeal dated **29-11-2019** before the First Appellate Authority requesting him to furnish the information sought by him u/s 19(1) of the RTI Act, 2005.

Stating that the appellant did not get any response from the First Appellate Authority, he preferred this 2nd appeal before this Commission requesting to arrange to furnish the information sought by him u/s 19(3) of the RTI Act, 2005.

In view of the above, notice is issued to both the parties to attend for hearing on **18-01-2022 at 10.30 AM.**

The Case was heard on 18-01-2022. The appellant is present and stated that PIO has not furnished the information. Sri S.Prabhudas, Naib Tahsildar on behalf of the PIO/Revenue Divisional Officer, Malkajgiri Division, Medchal Malkajgiri District is present and stated that a letter Lr.No.K/RTI/81/2019, Dated. 26-11-2019 was furnished to the appellant stating that on verification of records in their office the record copies of 38E of Ghatkesar Mandal was not traceable in their office and hence the desired information cannot be furnished.

Heard both the parties and perused the material papers available on record. The Commission observed that the Public Information Officer cannot deny the right of the appellant. The defense of missing file cannot be accepted even under the RTI Act. If the file is really not traceable, it reflects the inefficient and pathetic management of files by the Public Authority. If the file could not be traced in spite of best efforts, it is the duty of the respondent authority to reconstruct the file or develop a mechanism to address the issue raised by the appellant.

Hence the Commission directs the Public Information Officer to furnish the available and held information to the appellant, within two weeks from the date of receipt of this order and to report compliance to the Commission.

With the above direction, the appeal is closed.

MYDA NARAYAN REDDY
STATE INFORMATION COMMISSIONER

Authenticated by:

Section Officer
Copy to: SO / SF / OC