

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 – 500001.
Phone: 24740155 Fax: 24740592

Appeal No: 1191/SIC-SK/2022

Date: - 26-08-2022

Appellant : Sri Mohd Ashraf, Sirpur-Kagaznagar.
Respondents : Public Information Officer
(U/RTI Act, 2005)
O/o the District Educational Officer,
Komarambheem Asifabad District.
First Appellate Authority
(U/RTI Act, 2005)
O/o the District Educational Officer,
Komarambheem Asifabad District.

Order

Sri Mohd Ashraf, Sirpur-Kagaznagar has filed 2nd appeal dated: 17-01-2022 which was received by this Commission on 27-01-2022 for not getting the information sought by him from the PIO / O/o the District Educational Officer, Komarambheem Asifabad District and 1st Appellate Authority / O/o the District Educational Officer, Komarambheem Asifabad 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: 18-10-2021 before the PIO requesting to furnish the information under Sec. 6(1) of the RTI Act, 2005, on the following points mentioned in his application:

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- and teachers*
1. మీ పరిధిలోని అధికారులు temporary employees (under state & subordinate service rules 10(a)(i)) గా appoint అయిన వారికి regularization కాకముందు ప్రభుత్వ ఆదేశాల నెం.20584/302/FR-1/74-1/FN Plg., Dt.12.09.1974 కి వ్యతిరేకంగా Half Pay Leave మరియు Medical Leave sanction చేసిన అధికారుల / డిడివో ల పేర్లు మరియు నిబంధనలకు వ్యతిరేకంగా వాడుకున్న సిబ్బంది వివరాలను 02-June-2014 నుండి నేటి వరకు ఇవ్వగలరు.
 2. ప్రభుత్వం కల్పించిన అధికారాలను దుర్వినియోగం చేయకూడదు అని పేర్కొన్న సుప్రీం కోర్టు తీర్పు నెం. . 2707 of 2011 for " Arbitrary Exercise Of Power ". కానీ మీ పరిధిలోని అధికారులు/ డిడివోలు ప్రభుత్వ ఆదేశాల నెం.20584/302/FR-1/74-1/FN Plg., Dt.12.09.1974 కి వ్యతిరేకంగా Half Pay Leave మరియు Medical Leave sanction చేసినారు. Head of the Institution గా మీరు పర్యవేక్షణ చేసిన రుజువులను ఇవ్వగలరు.

Stating that the appellant did not receive the information from the PIO, the appellant filed 1st appeal dated: 30-11-2021 before the 1st Appellate Authority requesting him to furnish the information sought by him u/s 19(1) of the RTI Act.

Stating that the appellant did not get the information from the PIO / 1st Appellate Authority even after 30 days of filing his 1st appeal, he preferred this 2nd appeal before this Commission requesting to take action against the PIO and 1st Appellate Authority for not furnishing information sought by him and also to arrange to furnish the information sought by him u/s 19(3) of the RTI Act, 2005.

In view of the above, the 2nd appeal was taken on file and Notices issued to both the parties for hearing on 26-08-2022 at 12.00 P.M.

The case is called on 26-08-2022. The appellant is absent. The APIO / APIO / Sri M. Varaprasad, Senior Assistant is present and filed affidavit of the PIO / Sri E. Gamanial, Assistant Director, District Educational Officer, Komaram Bheem Asifabad District stating that vide letter Rc. No: B6/RTI/237/2021 dated: 26-11-2021 the application was transferred to all the PIOs / Mandal Educational Officers of Komaram Bheem Asifabad District with a request to furnish the information to the appellant. The APIO filed copy of the letter before the Commission.

Heard the APIO and perused the material papers available on record and observed that the appellant through his 6(1) application dated: 18-10-2021 seeking certain information relating to various mandals in the District and the PIO vide letter dated: 26-11-2021 transferred the application to all the Mandal Educational Officer's in the District. The action of the PIO is not in accordance to the provisions of the RTI Act.

The PIO ought to have furnished the available & held information in their office to the appellant and for the remaining information, the PIO should have informed the appellant to file separate application before the concerned Public Authority. The PIO in order to provide the information wasted lot of time by referring it to several PIOs with whom the information is available, by which the purpose of furnishing the information in time i.e., within 30 days is defeated with reference to section 7(1) of the RTI Act.

The Commission refers to the memo issued by the Government of India vide memorandum No: 10/2/2008-IR dated: 12-06-2008 by the Ministry of Personnel, Public Grievances & Pension Department of Personnel & Training, New Delhi. (Refer to page No: 77, 78 & 79 of the RTI Act 2005 for reference).

The Commission took a serious view against the PIO and warns the PIO not to repeat such lapses in future and strictly adhere to the provisions of the RTI Act 2005.

The Commission directs the PIO to furnish the information pertaining to their office only to the appellant within One (1) Week from the date of receipt of this order through Registered post with acknowledgement due and to report compliance to the Commission.

With the above direction, the complaint is closed.

SYED KHALEELULLAH
STATE INFORMATION COMMISSIONER

Authenticated by:

Section Officer
Copy to: SO / SF / OC