

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: 247405928

Complaint No: 1209/SIC-SK/2022

Date: 26-09-2022

Complainant : Sri Mohd Ashraf, Sirpur-Kagaznagar.
Respondent : Public Information Officer
(U/RTI Act, 2005)
O/o the District Educational Officer,
Adilabad District.

Order

Sri Mohd Ashraf, Sirpur-Kagaznagar has filed a Complaint 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, Adilabad District.

The brief facts of the case as per the Complaint and other records received along with it are that the Complainant 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 annexed.

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 / డిడివోల 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 PIO has not furnished the required information even after 30 days of filing his application, he preferred this Complaint before the Commission requesting to arrange to furnish the information sought by him u/s 18(1) of the RTI Act.

In view of the above, the Complaint was taken on file and Notices issued to both the parties for hearing on 26-09-2022 at 10.30 A.M.

The case is called on 26-09-2022. The complainant is absent. The APIO / Sri D. Venkata Ramana, Superintendent, O/o the District Educational Officer, Adilabad District is present and filed his affidavit stating that vide letter Rc. No: 2500/A4/RTI/2021 dated: 29-10-2021 the application was transferred u/s 6(3) of the RTI Act 2005 to all the PIOs in the District with a request to furnish the information to the appellant. The PIO filed copies of the letters before the Commission.

Heard the PIO and perused the material papers available on record and observed that the appellant through his 6(1) application dated: 18-10-2021 seeking information on 2 points and the PIO vide letter dated: 29-10-2021 transferred the application to all the concerned Public Authorities in 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 directs the PIO to follow the procedure and to furnish the available and held information to the appellant immediately through registered post with acknowledgement due & to report compliance to the Commission and for the remaining information the appellant is advised to file separate application before the concerned Public Authority seeking specific information.

With the above direction, the appeal is closed.

SYED KHALEELULLAH
STATE INFORMATION COMMISSIONER

Authenticated by:

Section Officer
Copy to: SO / SF / OC