

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: 2463/SIC-SK/2022

Date: - 18-08-2022

Appellant : Sri N. Santosh, Nizamabad District.
Respondents : Public Information Officer
(U/RTI Act, 2005)
O/o the Revenue Divisional Officer,
Adilabad Division, Adilabad District.

First Appellate Authority
(U/RTI Act, 2005)
O/o the District Collector, Adilabad
Collectorate, Adilabad District.

Order

Sri N. Santosh, Nizamabad District has filed 2nd appeal dated: 17-02-2022 which was received by this Commission on 21-02-2022 for not getting the information sought by him from the PIO / O/o the Revenue Divisional Officer, Adilabad Division, Adilabad District and 1st Appellate Authority / O/o the District Collector, Adilabad Collectorate, Adilabad 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: 22-06-2021 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:

- a) Certified Copy of proceedings under Land Reforms & Ceiling Act in File No.1957/A/75 pertains Sohanlal s/o Ranglal Mehetha in respect of Sy.No. 181 of Mavala village. Erstwhiel Adilabad mandal
- b) Certified copies of Declarations of pattadar and Surrender letter of various extents in sy.No.181

Stating that the appellant did not receive the information from the PIO, the appellant filed 1st appeal dated: 29-07-2021 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 18-08-2022 at 10.30 A.M.

The case is called on 18-08-2022. The appellant is present and filed his affidavit stating that the PIO has not furnished the information. The PIO / Sri Md. Shoukat Ali, Deputy Tahsildar (I/c Divisional Administrative Officer), O/o the Revenue Divisional Officer, Adilabad Division & District is present and filed his affidavit stating that reply was given to the appellant vide letter No: C/456/2021 dated: 16-7-2021 informing that the information sought pertains to 45 years old and efforts are made to trace out the file, but the file is not traced out.

Heard both the parties and perused the material papers available on record. The appellant stated that the PIO without making any further efforts even till the date of hearing is informing that the files are not traced out. Informing that the file is not available does not absolve the PIO / Sri Md. Shoukat Ali, Deputy Tahsildar (I/c DAO), O/o the RDO, Adilabad Division & District for his responsibility in furnishing information. The PIO should either trace out the files or rebuild the records, it is the responsibility of the Public Authority for disappearance of the file relating to lands which are normally permanent records.

The Public Authority should ensure the existing department instructions regarding handing over and taking over files of the office to the incoming officers while signing CTC. Thus the Public Information Officer should possess the list of permanent records / files handed over to him during the taking over charge of the office.

In the instant case the complainant is seeking certain information in the revenue records and the Revenue Officials cannot escape from their obligations by saying that the records are not traceable.

The revenue records are important documents and they are supposed to be retained over longer periods. Keeping in mind the interest of the people, they are also supposed to properly index and take utmost care for their retention. In case of destruction of the records, the Public Information Officer should be able to furnish particulars of destruction i.e. year of destruction with proof. The Public Information Officer should also indicate the retention period of the above referred permanent files.

The reply given by the Public Information Officer in the instant case goes to show gross negligence on the part of Revenue Officials and therefore it is desirable, that the Collector, DRO who are the officers responsible for implementing RTI in the district also should ensure that records are well maintained and also to fix responsibility for missing records.

The District Revenue Officer, Adilabad District is directed to fix the responsibility and take action against the concerned Officers for causing disappearance of the records under the Civil Services (Conduct & Classification) Appeals Rules for the missing files.

The Commission directs to issue **Show Cause Notice** to the present PIO / Sri Md. Shoukat Ali, Deputy Tahsildar (I/c Divisional Administrative Officer), O/o the Revenue Divisional Officer, Adilabad Division & District and the then PIO / Divisional Administrative Officer, O/o the Revenue Divisional Officer, Adilabad Division & District not furnishing the information to the complainant with the stipulated period of 30 days. The action on the **Show Cause Notice** will be dealt separately.

The Commission directs the PIO to trace out the records and furnish the information to the appellant within Two (2) Weeks 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 appeal is closed.

**SYED KHALEELULLAH
STATE INFORMATION COMMISSIONER**

Authenticated by:

**Section Officer
Copy to: SO / SF / OC**

T S I C