

Stating that the appellant did not receive the information from the PIO, the appellant filed 1st appeal dated: 01-04-2021 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 15-09-2022 at 10.30 A.M.

The case is called on 15-09-2022. The appellant is present and filed his affidavit stating that the PIO has not furnished the information. Smt. G. Swathi, Senior Assistant is present and filed affidavit of the PIO / Sri P. Srikanth, Deputy Tahsildar, Vailpoor Mandal, Nizambad District stating that reply was given to the appellant vide letter No: B/354/2020-2 dated: 27-02-2021. The representative of the PIO filed copy of same before the Commission.

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 P. Srikanth, Deputy Tahsildar, Vailpoor Mandal, Nizambad 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 regarding change of ownership name 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, Nizambad 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 P. Srikanth, Deputy Tahsildar, Vailpoor Mandal, Nizambad District and the then PIO / Sri Boddu Rajashekhar, Deputy Tahsildar, Vailpoor Mandal, Nizambad District for 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 / Deputy Tahsildar, Vailpoor Mandal, Nizambad District and the PIO / Assistant Director, Survey and Land Records, Nizambad District to conduct a detailed enquiry and submits the enquiry report to the District Collector, Nizambad District for taking necessary action. This process of enquiry should be completed within Two (2) Months from the date of receipt of this order 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