

Second Appeal Under Section 19(3) of the Right to Information Act, 2005

To,

The Chief Information Commissioner/

Companion Information Commissioners

7/7A, RTI Bhawan, Vibhuti Khand,

Gomti Nagar Lucknow, Uttar Pradesh, PIN Code-226010

Details	Appellant (Information Seeker)	Respondent No. 1 (PIO)	Respondent No. 2 (FAA)
Name/Designation	Shivam Gupta	Diksha, Tehsildar Lalganj	Gulab Chandra Second, SDM Lalganj
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RTI Registration No.	DMOMR/R/2025/60145 (Filed: 07/07/2025)		

Subject: Second Appeal against Non-Compliance and Deemed Refusal of Information by PIO and FAA, concerning RTI Application No. DMOMR/R/2025/60145

Respected Sir/Madam,

I, Shivam Gupta, the Appellant, respectfully submit this Second Appeal under Section 19(3) of the RTI Act, 2005, against the complete failure of the Public Information Officer (PIO), Tehsildar Lalganj, and the First Appellate Authority (FAA), SDM Lalganj, to discharge their statutory duties by providing the requested information or adjudicating the First Appeal.

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1. Factual Summary and Timeline

Date	Action	Status/Violation
07/07/2025	RTI Application No. DMOMR/R/2025/60145 filed with PIO, Tehsildar Lalganj.	Information was due by 06/08/2025 (30 days under Section 7(1)).
06/08/2025	Statutory deadline for PIO to furnish information or reject the request expired.	Deemed Refusal by the PIO (Section 7(2)).
13/08/2025	First Appeal No. DMOMR/A/2025/60114 filed with FAA, SDM Lalganj.	FAA was required to dispose of the appeal by 12/09/2025 (30 days under Section 19(6)).
12/09/2025	Statutory deadline for FAA to dispose of the First Appeal expired.	Complete Failure of the FAA to adjudicate the appeal.
20/10/2025	Date of filing this Second Appeal.	

2. Legal Grounds for Second Appeal

The actions and omissions of the Respondents constitute a grave violation of the fundamental provisions of the RTI Act, 2005, warranting the intervention of the Hon'ble Commission:

A. Violation of Section 7(1) and Deemed Refusal

The PIO failed to respond to the RTI application within the mandatory period of **30 days** (from 07/07/2025 to 06/08/2025). As per **Section 7(2)** of the Act, this non-response is unequivocally deemed a **refusal** of the request. The Supreme Court has repeatedly emphasized that the 30-day limit is sacrosanct for upholding the citizen's right to information.

B. Failure to Adjudicate First Appeal (Section 19)

The FAA is obligated under **Section 19(6)** to dispose of the appeal within thirty days of its receipt. The FAA has failed to pass any order on the First Appeal filed on 13/08/2025.

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This failure is a serious dereliction of statutory duty and effectively deprives the Appellant of the first level of redressal, thereby necessitating this Second Appeal under **Section 19(3)**.

C. Requirement for Imposition of Penalty (Section 20)

The PIO's delay of over **70 days** (from the 30-day deadline of 06/08/2025 to 20/10/2025) in furnishing the information is a clear case of non-compliance without any reasonable cause.

- **Section 20(1)** mandates that the Commission shall impose a **penalty of ₹250 per day** up to a maximum of ₹25,000 on a PIO who, *without any reasonable cause*, has failed to receive an application or furnish information within the specified time.
- The Appellant submits that the PIO's complete silence warrants the imposition of this penalty to ensure accountability and deter such misconduct in the future.

D. Recommendation for Disciplinary Action (Section 20)

The continued failure of both the PIO and the FAA to adhere to statutory timelines, coupled with the nature of the information sought (which pertains to the implementation of the **SVAMITVA Scheme** and allegations of corruption/malfunctioning in Tehsil Lalganj), shows a pattern of resistance to transparency. The Appellant requests that, in addition to the penalty, the Commission may recommend **disciplinary action** against the PIO and the FAA under **Section 20(2)** for persistent violation of the Act.

3. Prayer for Relief

In light of the above submissions and the egregious statutory violations, the Appellant humbly prays to the Hon'ble Commission to:

1. **Direct the PIO**, Tehsildar Lalganj, to **immediately** furnish the complete and point-wise information requested in the original RTI Application (DMOMR/R/2025/60145) within a strictly specified time frame.
2. **Impose the maximum penalty** of ₹250 per day on the PIO, Diksha, Tehsildar Lalganj, as per **Section 20(1)** of the RTI Act, for the unpardonable delay and deemed refusal of the application.
3. **Recommend disciplinary action** against the PIO and the FAA as per **Section**

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20(2) for their failure to comply with their respective statutory duties.

4. Pass any other order as deemed fit and proper in the interest of justice and transparency.

Date: 20/10/2025

Yours sincerely,

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(Shivam Gupta)

Appellant

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