

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

**I. Address of the Appellate Authority**

<b>Designation</b>	<b>Address</b>
<b>The Chief Information Commissioner / Companion Information Commissioners</b>	7/7A, RTI Bhawan, Vibhuti Khand, Gomti Nagar, Lucknow, Uttar Pradesh, PIN Code-226010

**II. Details of Parties**

<b>Particulars</b>	<b>Appellant (Information Seeker)</b>	<b>Respondent No. 1 (PIO)</b>	<b>Respondent No. 2 (FAA)</b>
<b>Name/Designation</b>	Shivam Gupta	Diksha, Tehsildar Lalganj	Gulab Chandra Second, SDM Lalganj
<b>Address</b>	Mohalla Kakarhwa, Lohandi Road, Lohandi P.O., Mirzapur, U.P., PIN-231001	District Mirzapur, U.P., PIN-231001	District Mirzapur, U.P., PIN-231001
<b>Mobile</b>	8756521496	9454416818	9454416813
<b>Email</b>	shivamgupta9307215205@gmail.com	teh-lalganj.mi@up.gov.in	sdm-Lalganj.mi@up.gov.in

**RTI Registration No.:** DMOMR/R/2025/60190

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

DMOMR/R/2025/60190 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

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information or adjudicating the First Appeal.

## 1. Factual Summary and Timeline

Event	Date	Relevant Section of RTI Act, 2005	Outcome/Status
<b>RTI Application Filed</b> (DMOMR/R/2025/60190)	<b>02/08/2025</b>	Section 6(1)	Information sought regarding posting details of Class I, II, III, and IV employees.
<b>PIO Statutory Deadline</b>	<b>01/09/2025</b>	Section 7(1)	<b>NO RESPONSE</b> received from PIO (Tehsildar Lalganj).
<b>Status</b>	<i>After</i> <b>01/09/2025</b>	Section 7(2)	Deemed Refusal by PIO.
<b>First Appeal Filed</b> (DMOMR/A/2025/60134)	<b>15/09/2025</b>	Section 19(1)	Filed against the Deemed Refusal.
<b>FAA Statutory Deadline</b> (30 days from 15/09/2025)	<b>15/10/2025</b>	Section 19(6)	<b>NO ORDER/ADJUDICATION</b> issued by FAA (SDM Lalganj).
<b>Second Appeal Date</b>	<b>02/11/2025</b>	Section 19(3)	Filed due to complete non-compliance by both the PIO and FAA.

The Appellant confirms that as of the date of this Second Appeal, no information has been received from the PIO, nor

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has the FAA issued any order to dispose of the First Appeal. This constitutes a willful and persistent breach of the RTI Act, 2005, by both authorities.

### **Information Sought in RTI Application No. DMOMR/R/2025/60190**

The following point-wise information was sought from the PIO, Tehsildar Lalganj:

1. Provide the posting details of the Sub-Divisional Magistrate, Tehsil-Lalganj, including his first posting details (district and date).
2. State the date the Sub-Divisional Magistrate joined Tehsil-Lalganj and specify his post and date of joining in the Mirzapur district.
3. Furnish the posting details of all Class I category employees in Tehsil-Lalganj, District-Mirzapur, including their joining dates.
4. Provide the posting details and joining dates of all Class II category employees in the office of the Sub-Divisional Magistrate, Tehsil-Lalganj.
5. Make available the joining date and posting details of all Class III employees in the office of the Sub-Divisional Magistrate, Tehsil-Lalganj.
6. Provide the joining date and work details of all Class IV employees in the office of the Sub-Divisional Magistrate, Tehsil-Lalganj.

**2. Legal Grounds for Second Appeal** The grounds for this Second Appeal are firmly established under the Right to Information Act, 2005:

- **Ground of Deemed Refusal by PIO (Section 7(2)):** The PIO failed to respond to the RTI Application (DMOMR/R/2025/60190) within the mandatory 30-day period stipulated under Section 7(1). This non-response, which continued beyond the deadline of 01/09/2025,

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- constitutes a deemed refusal of the requested information.
- **Ground of Failure to Adjudicate by FAA (Section 19(6)):** The FAA failed to dispose of the First Appeal (DMOMR/A/2025/60134) within the mandatory period of 30 days (or 45 days, if an extension was granted, which was not communicated). The deadline of 15/10/2025 was passed without any order, thereby making the appellate mechanism under Section 19(1) ineffective and necessitating this Second Appeal under Section 19(3).
- **Ground of Non-compliance (Section 19(3)):** The compounded failure of both the PIO and the FAA to act on the application and the appeal respectively demonstrates a complete disregard for the provisions of the Act and requires the intervention of the Central/State Information Commission.

**3. Prayer for Relief** In light of the above statutory violations and the gross negligence of the Respondent Authorities, the Appellant respectfully prays that the Hon'ble Chief Information Commissioner may be pleased to:

- **Direction for Information:** Direct the PIO (Respondent No. 1) to immediately provide the complete, point-wise information as sought in the original RTI application, **free of cost**, as mandated under Section 7(6) of the RTI Act, since the information was not furnished within the stipulated time.
- **Imposition of Penalty:** Initiate proceedings to impose the maximum penalty of \$\$\$25,000/- on the PIO (Respondent No. 1) under Section 20(1) of the RTI Act, 2005, for failure to provide information within the prescribed time limit without reasonable cause.
- **Disciplinary Action:** Recommend disciplinary action against both the PIO (Respondent No. 1) and the FAA (Respondent No. 2) under Section 20(2) of the RTI Act, 2005, for their persistent and willful failure to discharge their duties under the Act, resulting in the obstruction of information flow.

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- **Compensation:** Award suitable compensation to the Appellant for the harassment, mental agony, and expense incurred in pursuing this Second Appeal due to the non-compliance of the public authorities.

Date: 02/11/2025

Yours sincerely,

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(Shivam Gupta) Appellant Mohalla Kakarhwa, Lohandi Road, Lohandi P.O.,  
District Mirzapur, U.P. Mobile: 8756521496

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