

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2492 of 2010

1. Chhattisgarh Public Service Commission, Raipur, through its Public Information Officer, Chhattisgarh Public Service Commission, Shankar Nagar, Raipur, Tahsil & District Raipur (Chhattisgarh)

---- Petitioner

Versus

1. Chhattisgarh State Information Commission, through its Chief Information Commissioner, Nirmal Chhaya Bhawan, Meera Datar Road, Shankar Nagar, Raipur (CG)
2. State Chief Information Commissioner, Nirmal Chaya Bhawan, Meera Datar Road, Shankar Nagar, Raipur (CG)
3. Shri Hemant Kumar Sharma, Advocate, House No.4, State Bank Colony, Sunder Nagar, Raipur (CG)

---- Respondents

For Petitioner;
For Respondent No.1 & 2
For Respondent No.3

Shri B.D. Guru, Advocate
Shri S.S. Tekchandani, Advocate
Shri S.S. Rajput, Advocate.

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

01/10/2015

1. Respondent No.3, a practising lawyer, moved an application under the Right to Information Act, 2005 (for short 'the Act of 2005') before the petitioner seeking following information;-

- All information & documents relating to proceedings of the Departmental Promotion Committee held by the CG Public Service Commission for promotion to the post of Superintending Engineer from that of Executive Engineer of the Public Works Department and on what basis such promotions were made.

- What are the criteria adopted by the petitioner for promotion and what have been the criteria for promotion being followed earlier
- On what basis changes are made in the gradation list for promotion?

On 22.8.2009 the petitioner rejected this application of respondent No.3 on the ground that disclosure of such information is exempted under Section 8 (1) (d), (i) & (j) of the Act of 2005. Appeal preferred by respondent No.3 against such rejection was also dismissed by the first appellate authority vide order dated 30.9.2006 (Annexure P-6). Respondent No.3 preferred second appeal before the respondent No.1-CG State Information Commission. The Chief Information Commissioner vide impugned order allowed the second appeal and directed the petitioner to supply requisite information to respondent No.3 within 15 days. It is this order which has been challenged by the petitioner in this petition.

2. Learned counsel for the petitioner submits that application filed by respondent No.3 is so vague that it did not even disclose the year of which information was being sought. He further submits that disclosure of first information sought by respondent No.3 would harm the competitive position of a third party and thus it is exempted from being disclosed under Section 8 (1) (d) of the Act of 2005. As regards the second information, the petitioner is ready and willing to give the same provided respondent No.3 approaches the petitioner. So far as the third information is concerned, it is related to the State Government and cannot be given by the petitioner.
3. On the other hand, learned counsel appearing on behalf of respondent No.3 submits that all the information can be given by the petitioner.
4. Learned counsel for the respondents No.1 & 2 has assisted the Court.

5. I have heard learned counsel for the parties and perused the impugned order.
6. It is apparent from the documents on record that the application submitted by respondent No.3 on 25.7.2009 did not disclose as to the documents of which year were being sought for by him and therefore the petitioner appears to be fully justified in denying the same. Mere mention that the information relating to meeting held by the Departmental Promotion Committee of the petitioner for promotion to the post of Superintending Engineer from Executive Engineer be provided is not sufficient to decipher for the petitioner about the particularity thereof and on this ground alone respondent No.3 is not entitled for the said information. This denial of first pointed information by the petitioner has also been approbated by the second appellate authority. As has been informed by counsel for the petitioner that the petitioner is ready & willing to supply second pointed information regarding the criteria adopted by the petitioner with respect to promotion matters etc., respondent No.3 is free to approach the petitioner at any time and obtain the same, if necessary. As regards third pointed information required for making changes in the gradation list for promotion, the same being within the domain of the State Government could not have been supplied by the petitioner and therefore the petitioner appears to be fully justified in denying the same.
7. To the extent indicated above the order impugned is modified and the petition stands disposed of.

Sd/-
(Pritinker Diwaker)
Judge