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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 642/2013 & CM No. 1214/2013**

UNION PUBLIC SERVICE COMMISSION Petitioner
Through: Mr Naresh Kaushik & Ms Megha Singh,
Advts.

versus

MADHU KHARE Respondent
Through: Mr Sumeer Sodhi, Mr Aman Nandrajog
& Mr Varun Tankha, Advts.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **29.04.2015**

1. By this writ petition challenge is laid to the order dated 05.10.2012, passed by the Central Information Commission (in short the CIC). Mr Kaushik, learned counsel for the petitioner, on the previous date had informed that the necessary information has been supplied to the respondent.
2. Learned counsel for the respondent though, says, that the information with regard to assessment sheets has not been provided.
3. What has, however, come through at today's hearing, is that, grading chart qua select list of 2001 and 2002, in respect of DPC held on 01.01.2001 and 01.01.2002, has been supplied to the respondent.
- 3.1 According to Mr Kaushik, this information was given, along with letter dated 13.12.2013.
- 3.2 A copy of the same has also been supplied to the counsel for the respondent, in court today. In addition, respondent's counsel has been given

a copy of the letter dated 27.10.2014, as well.

4. Therefore, the only question which arises for consideration is as to whether assessment sheets pertaining to other officers need to be supplied to the respondent.

5. Mr Kaushik, in support of his contention, that the assessment sheets, being third party information cannot be supplied, has made the following submissions:

(i) The impugned order is contrary to the earlier view taken by the CIC vide order dated 18.01.2011.

(ii) The information regarding assessment sheets pertaining to other officers, is protected under Section 8(1)(j) of the Right to Information Act, 2005 (in short the RTI Act).

(iii) That the issue raised in the present petition is covered against the respondent by at least two judgements of this court passed in the following cases: Judgement dated 12.12.2011, passed in a batch of petitions, the lead petition being: LPA No. 797/2011, titled: ***Union Public Service Commission vs N. Sugatan*** and the judgement dated 21.11.2014, passed in WP(C) No. 6086/2013, titled: ***Union Public Service Commission vs Hawa Singh***.

6. On the other hand, learned counsel for the respondent says that the only limited error, if any, which has arisen in the order of the CIC, is that, procedure prescribed under Section 11 of the RTI Act, was not, directed to be followed. Learned counsel for the respondent, however, concedes that there is a contradiction in the two orders passed by the CIC; to which Mr Kaushik has made a reference before me.

6.1 Learned counsel for the respondent, however, says that there are

judgements of other courts, which support the case of the respondent.

7. The basic contention of the counsel for the respondent, is that, since there is public interest obtaining in the matter, information sought qua assessment sheets, cannot be protected under Section 8(1)(j) of the RTI Act.

7.1 Both counsels, however, agree that this matter requires reconsideration.

8. Accordingly, the order of the CIC is set aside. The matter is remanded to the CIC to reach a fresh conclusion, after hearing both the petitioner as well as the respondent. The CIC, will issue notice to the parties herein setting out the date of hearing in the matter.

9. Needless to say, all rights and contentions of the parties will remain open for being espoused before the CIC.

10. The petition and the application are, accordingly, disposed of.

RAJIV SHAKDHER, J

APRIL 29, 2015

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