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

\+ W.P.(C) 3188/2012 & CM No. 6828/2012

MRS. R.RENUKA ..... Petitioner
Through: Mr A.K. Shukla, Adv.

versus

UNION OF INDIA AND ANR ..... Respondents
Through: Mr Anil Soni, CGSC with Mr Naginder Benipal, Adv. for R-1.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

O R D E R

% 09.03.2015

1. This petition is directed against the order dated 30.04.2012 passed by the Central Information Commission (CIC). The petitioner is aggrieved by the order passed as it imposes a penalty of Rs. 25000/- on her, which as per the impugned order, was directed to be recovered from the salary of the petitioner at the rate of Rs. 5000/- per month. The employer of the petitioner, at the relevant point in time, was Andhra Bank. The petitioner, I am told, since then, has opted for voluntary retirement from service.

2. The impugned order, it appears, came to be passed in view of the petitioner denying information to respondent no.2 on the ground that the information pertained to a matter which was subjudice before the Civil Judge at Dwarka, New Delhi. In the petition it is averred that the father of the petitioner was involved in the litigation pending before the aforementioned Judge.

3. It appears, respondent no.2 had sought information with regard to installation of ATMs at rented premises, and also, specific information regarding ATMs installed at Shop No. 7 & 8, located at Rama/Rana Market, Munirka Village, New Delhi – 67. As indicated above, this information was denied by the petitioner vide order dated 04.10.2011.

3.1 Respondent no.2 being aggrieved, preferred an appeal before the First Appellate Authority (FAA). This appeal was preferred on 31.10.2011. Evidently, by an order dated 20.01.2012, the FAA allowed the appeal and directed that respondent no.2 be furnished requisite information sought for by him.

3.2 Since information was not forthcoming, respondent no.2, in the meanwhile, preferred an appeal with the CIC.

4. Learned counsel for the petitioner says that this appeal was, however, filed by respondent no.2, on 24.01.2012 vide diary no. 104418. A photocopy of the index of the appeal filed by respondent no.2, has been placed before me in court.

5. To complete the narrative, the CIC vide order dated 03.04.2012, allowed the appeal, qua issues which perhaps had already been addressed by the FAA

5.1 The CIC, it appears, was handicapped, on account of the fact that respondent no.2, who was an appellant before it, was not present. The impugned order, which is passed on 30.04.2012, was a consequential order passed by the CIC, in exercise of its power under Section 20 of the Right to Information Act, 2005.

6. Notice in this petition was issued on 24.05.2012 when, the impugned order was stayed. Since then, respondent no.2 has been served, as per the report of the registry. Despite service, respondent no.2 has not entered appearance. Consequently, respondent no.2 is proceeded ex-parte.

7. Learned counsel for the petitioner says that under a bonafide error, the petitioner, who was the PIO at the relevant point in time, declined to give information to respondent no.2, as the matter was subjudice.

7.1 Learned counsel further submits that, in any event, information was ordered to be provided by the FAA prior to respondent no.2 approaching the CIC; a fact which was not disclosed by respondent no.2 in his appeal filed before the CIC. In these circumstances, the learned counsel for the petitioner submits that the impugned order be set aside. In support of this submission, it is also stated that the petitioner is not a person of substantial financial means, having retired from service.

8. Learned counsel for respondent no.1, however, draws my attention to the fact that the petitioner supplied the necessary information to respondent no.2, only on 19.04.2012, nearly three (3) months after the order had been passed by the FAA.

9. I have perused the record. It is quite evident that the petitioner has been derelict in supplying the information, which was required to be supplied to respondent no.2. As a matter of fact, the petitioner did not supply the information even after the order had been passed by the FAA on 20.01.2012 and waited till, the order of the CIC dated 03.04.2012, was served upon her.

10. In these circumstances, the direction issued by the CIC, imposing

penalty on the petitioner does not seem to be erroneous. However, having regard to the fact that the petitioner has retired from service and does not have the necessary financial wherewithal, the penalty imposed is reduced from Rs. 25000/- to Rs. 10000/-. The amount will be deposited by the petitioner within two week from today.

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

RAJIV SHAKDHER, J

MARCH 09, 2015
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