

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.17094 of 2012
Decided on :26.10.2016**

Dr. Anil Pannikker

... Petitioner

Versus

Central Information Commission, New Delhi and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. Sardavinder Goyal, Advocate
for the petitioner.

Mr. Prateek Gupta, Advocate
for respondent No.1.

Mr. Aman Chaudhary, Advocate
for respondents No.2 and 3.

G.S. Sandhawalia, J. (Oral)

The petitioner had sought information vide application dated 15.03.2011 (Annexure P-1) regarding the appointments made qua the posts of Senior Scientists alongwith Principal Scientists and all RMP posts advertised by the respondent No.3, since 01.01.2010. Details had also been sought regarding numbers of candidates whose applications had been rejected. The names of the candidates who were not called for interview is also asked for and the details of the ones selected.

Perusal of the record would go on to show that initially on 31.03.2011 (Annexure R-1), the Central Public Information Officer (Annexure P-10) of the respondent-Board had denied the relief on the ground that various types of the information has been asked and a fresh request should be made for specific information. The right to file an appeal

was also intimated to the petitioner.

The appeal dated 08.04.2011 (Annexure R-2) was, thereafter, filed, which was disposed of on 13.05.2011 (Annexure R-3) by the First Appellate Authority of the Board on the ground that the information sought was general and vast and would cover almost the entire working of the Board over the many past years. It seems from the record that before the decision could be communicated as such of the first appeal, the petitioner had also filed another appeal dated 09.05.2011 (Annexure P-2), being dissatisfied with the information not having been supplied. Thereafter, compensation was sought under Section 19(8)(b) and that action be taken under Section 20 in the consolidated appeal/complaint before the respondent No.1-Commission, which vide its impugned order dated 04.11.2011 (Annexure P-4) remitted the matter to the CPIO of the Board to furnish the reply within two weeks from the receipt of the copy of the order. Liberty was also given to the complainant, if he was not satisfied with the decision of the First Appellate Authority, then he could file a second appeal afresh before the Commission under Section 19 (3) alongwith the complaint under Section 18, if any, within the prescribed time limit.

Counsel for the respondent-Board has accordingly submitted that true facts had not brought to the notice of the Commission regarding the fact that decision dated 13.05.2011 (Annexure R-3) had already been taken in the first appeal.

Counsel for the petitioner on the other hand submits that the

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order was not communicated and, therefore, the same could not be brought to the notice of the Court.

Needless to say that the issue remains that the information has been sought, since 2011. The information has been denied only on the ground that it is vast and cannot be supplied or not specific. The said reasoning cannot be justified in any manner. The particulars of the information are very specific what was asked for and is not that the period is so expansive that the information could not have been supplied. The information sought for reads as under:-

“2. Particulars of information desired:

I. Kindly provide the following information in respect of all posts of Senior Scientists, principal Scientists and all RMP posts, advertised by ASRB since, 01.01.2010.

- a. Number of candidates who applied against the post.*
- b. Names of the candidates whose application was rejected.*
- c. Names of candidates called for interview for each post*
- d. Date of interview*
- e. Names of candidates not called for interview*
- f. Name and complete address of the selected candidate*

The above information must be supplied separately for each post clearly mentioning the advertisement number and name of the post.”

It is, thus, apparent that the information was only sought from 01.01.2010 till 15.03.2011, which could have been easily conveyed to the petitioner, after proper compilation. The same has unnecessarily been denied by the respondent-Board without any valid justification.

Counsel for the respondent-Board submits that the matter may be remitted to the respondent-Commission for a fresh decision as the said facts were not examined. However, keeping in view the

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considerable delay, which has only taken place, only on account of the technicalities and the Commission not having been kept abreast of the latest development, this Court is of the opinion that there is no justifiable reason for remitting the matter back to the respondent-Commission, keeping in view the above discussion.

Accordingly, the present writ petition is allowed. The respondent-Board shall supply the information within a period of four weeks from the receipt of the copy of this order. The respondent-Board shall also pay Rs.10,000/- as compensation to the petitioner under Section 19 (8) (b) of the Right to Information Act, 2005, on account of the unnecessary objections raised, which has been to the detriment of the petitioner.

OCTOBER 26, 2016
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No