

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

**CWP No.21851 of 2013**

**Date of decision: 17.12.2016**

Anil Kumar

....Petitioner(s)

Versus

Chief Information Commissioner, Haryana & others ...Respondent(s)

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

Present: Mr.Sumit Sangwan, Advocate, for the petitioner.  
Mr.Gaurav Jindal, Addl.A.G., Haryana.

**G.S.SANDHAWALIA, J. (Oral)**

Petitioner challenge the order dated 01.07.2013 (Annexure P6) wherein the respondent-Commission declined to supply the information qua point No.11, which were the ACRs of the teachers whose cases had been sent for the State award, for the year 2010-11, in view of the observations of the Apex Court in **Girish Ramchandra Deshpande Vs. Central Information Commission & others (2013) 1 SCC 212.**

While issuing notice of motion, counsel for the petitioner had submitted that the exact remarks recorded in the ACRs may not be released under the Right to Information Act, 2005 but the facts mentioned in the performa, in the context of the allegations made above, could not be deemed to be exempt from disclosure because the result obtained by a particular teacher is always in the public domain. It was, accordingly, noted that the said awards had been granted because result of 2 of the awardees of 2 particular years were negative but fraudulently shown positive in the ACR performa, to get a good ACR.

Thereafter, on 19.02.2016, counsel for the petitioner had stated that he would be absolutely satisfied if the information is supplied to the petitioner, in terms of the notice of motion order. Resultantly, directions were issued to supply information in terms of the said order, within a period of 3 weeks. On account of non-compliance of the same, respondents were asked to be present in Court. On 08.09.2016, it was contended by respondents No.2 to 4, that the information was voluminous and the same shall be supplied on the next date of hearing, after proper attestation.

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Resultantly, an application dated 18.01.2016 was filed, giving the details of the information supplied. In the application itself, it was mentioned that the ACR reports of Pushup Kaur for 2001 to 2011 are not available as the same was stated to be with respondent No.4 who had, by then, retired. It was further brought to the notice of this Court by State Counsel, who was assisted by Sh.Suresh Kumar Sharma, D.F.O. that the record was not being provided by Shri Ashok Kumar Sharma, Sr.Lecturer, who was the acting Principal of the respondent-School. Accordingly, both the officials were asked to be present in Court along with the abovesaid records.

Keeping in view the above directions issued on various dates, the said officials are present. An objection was raised yesterday that the information which was supplied was not complete. The issue has been clarified by the State Counsel that counsel for the petitioner had himself restricted his right to only the performa particulars of the ACR(which would be only the first page) and the remarks on the second page need not be supplied. It is also pertinent to notice that the information which is sought is of one employee, namely, Pushup Kaur, who has not been made party.

Accordingly, keeping in view the fact that the attested photocopy of the first page of the ACRs from the year 2001 to 2009 and 2010-11 have been supplied today (ACRs for 2009-10 and 2011-12 have already been supplied on the earlier date), the present writ petition has been rendered infructuous and the same is disposed of, as such.

**(G.S. SANDHAWALIA)**  
**JUDGE**

**17.12. 2016**  
*sailesh*

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No