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

+ LPA 42/2016

SURENDER KUMAR

..... Appellant

Through: Mr.Rajesh Yadav with Mr.Udayan  
Khandelwal, Advs.

versus

UNION OF INDIA

..... Respondent

Through: Mr.Jasmeet Singh, CGSC for R-1.

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE JAYANT NATH**

**ORDER**

**19.01.2016**

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CM No.1927/2016 (exemption)

Allowed, subject to all just exceptions.

CM No.1928/2016 (delay in filing)

In the facts and circumstanced explained in the application, the delay in filing the appeal is condoned.

Application is accordingly disposed of.

LPA 42/2016 & CM No.1926/2016 (stay)

1. This appeal is preferred by the respondent in W.P.(C) No.5536/2015 aggrieved by the order dated 07.12.2015 passed by the learned Single Judge.
2. We have heard the learned counsel for both the parties.
3. The appellant herein/respondent No.1 in W.P.(C) No.5536/2015, who is an IFS Officer sought information from Central Public Information Officer (CPIO), Ministry of Environment and Forest regarding the documents filed in the departmental proceedings initiated against him. The CPIO replied that the information on queries could not be furnished as the

same did not constitute information as defined in Section 2(f) of the Right to Information Act, 2005 (for short 'RTI Act'). For query No.4, the CPIO stated that the information could not be furnished as the matter is under examination. The appeal against the said order was dismissed by the First Appellate Authority. However, the Chief Information Commissioner (CIC) while deciding the second appeal by order dated 30.03.2015 directed the CPIO to provide information to the queries 3 and 4.

4. The Union of India challenged the order of the CIC by preferring W.P.(C) No.5536/2015. The learned Single Judge by the order under appeal set aside the order of the CIC to the extent of directing to furnish information to query No.4. So far as query No.3 is concerned, the same was not pressed by the respondent No.1/appellant herein. The said order is assailed before us by the respondent No.1 in the writ petition/applicant under the RTI Act.

5. The only question that requires consideration by us is whether the appellant herein is entitled to the information sought under query No.4. Admittedly, the said information comprises of the decision making process in the departmental proceedings. Having gone through the file noting the learned Single Judge opined that the disclosure thereof is protected under Section 8(1)(g) and (h) of the RTI Act at least till the culmination of the departmental proceedings. The learned Single Judge also observed that furnishing the said information deleting therefrom the names, post and signatures of the person to whom each of the noting is attributed would also not serve any purpose.

6. In the circumstances, we are of the view that the learned Single Judge has rightly set aside the order of the CIC to furnish the information under

query No.4.

7. We, therefore, do not find any reason to interfere with the order under appeal. The appeal is accordingly dismissed. However, the appellant is given liberty to make a fresh representation after the conclusion of the proceedings.

**CHIEF JUSTICE**

**JAYANT NATH, J**

**JANUARY 19, 2016/pmc**