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

+ W.P.(C) 9896/2009 & CM Appl. 8150/2009

CHIEF SECRETARY GOVT. OF N.C.T. OF DELHI & ORS.

..... Petitioners

Through: Mr. Satyakam, ASC, GNCTD

versus

RAJEEV BHARTI & ORS.

..... Respondents

Through: Respondent No. 1 in person

Mr. Sujoy Kumar, Adv. for R-2

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Date of Decision: 24th February, 2016

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J: (Oral)

1. The present writ petition has been filed challenging the orders dated 26th May, 2009 and 18th June, 2009 passed by the Central Information Commission (for short 'CIC'). In fact, learned counsel for the petitioner has restricted his challenge to the imposition of penalty of Rs.25,000/- upon petitioner No. 3 by CIC.

2. Learned counsel for the petitioner states that CIC failed to appreciate that the RTI application was a motivated one inasmuch as respondent No. 1 was insisting on his reinstatement. He further points out that the queries raised by respondent No. 1 were rather wide and it was impossible for any department to furnish the entire information asked for.

3. Leaned counsel for respondent No. 2-school states that it has been unnecessarily dragged in the present proceedings as neither any penalty has been imposed upon the said respondent nor there is any allegation of non-furnishing of information.

4. Respondent No. 1, who appears in person, states that as the entire information was available with the respondent's Act Branch, the penalty has been rightly levied upon petitioner No. 3 by CIC.

5. Having heard learned counsel for the parties and having perused the paper book, this Court finds that the queries raised by respondent No. 1 are extremely wide and omnibus. In fact, most of the information asked for would not be available with the Directorate of Education. The queries asked for by respondent No. 1 according to paragraph 1 of the impugned order dated 18th June, 2009 included not only furnishing of certified copy of the charge sheet, but also the list of nominees of the Directors of respondent No. 2-school and whether they attended the meetings as well as reports prepared by these persons and whether any proceeding had been intimated against those persons for not sending brief reports and as to whether the school management had defied any rule while filling up the vacant seats.

6. A Division Bench of this Court in **Anand Bhushan v. R.A. Haritash, LPA 777/2010, decided on 29th March, 2012** has held that an information seeker has no locus standi in the penalty proceedings under Section 20 of the Right to Information Act. It was further held that penalty is not mandatory in each and every case even when there was either delay or refusal to furnish the entire information.

7. In the present case, keeping in view the nature of queries, this Court is of the view that no reasonable person could have concluded that there was

deliberate intent on the part of petitioner No.3 not to furnish the information. Consequently, the said finding being perverse is set aside and CIC order dated 18th June, 2009 imposing penalty of Rs.25,000/- is set aside. With the aforesaid observations and direction, the present writ petition and pending application stand disposed of.

MANMOHAN, J

FEBRUARY 24, 2016
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