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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 4599/2016

PRAHLAD SINGH

..... Petitioner

Through: Mr. Raghav Awasthi, Advocate.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Amrit Pal Singh, Advocate with
Mr. Nirvikar Verma, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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20.05.2016

CM Appl. 19122/2016 (exemption) in W.P.(C) 4599/2016

Allowed, subject to just exceptions.

W.P.(C) 4599/2016

Present writ petition has been filed challenging the order dated 27th August, 2013 whereby the Central Information Commission (for short 'CIC') has refused to grant information sought by the petitioner on the ground that CRPF is an exempt organisation listed under Schedule II of the Right to Information Act (for short 'RTI Act') and is thus not amenable to any provisions contained under the RTI Act by virtue of Section 24 of the RTI Act.

It is also stated that the information sought does not pertain to violation of human rights. The relevant portion of the impugned order is

reproduced hereinbelow:-

“2. It is to be noted that the Respondent C.R.P.F. is an exempted organization listed under Schedule II of the RTI Act and therefore, is not amenable to any provision contained in the RTI Act by virtue of Section 24 of the RTI Act. Furthermore, the information sought by the Appellant does not pertain to any violation of human rights and allegation of corruption, and therefore, does not fall under Proviso (I) to Section 24 of the RTI Act.

3. It has to be appreciated that ‘allegation of corruption’ does not mean mere conjectures and surmises. Allegations ought to be supported by cogent and sound evidence which can lead the Commission to frame a prima facie view about corrupt or malpractices being involved in any given case. Such element is clearly missing in this second appeal as no evidence or material has been placed by the Appellant before the Commission so as to establish prima facie case of corruption. Even anything to reasonably support the violation of human right is also absent in the appeal preferred by the appellant before the Commission.”

Learned counsel for petitioner invokes the mercy jurisdiction of this Court.

However, on a perusal of the paper book, this Court finds that the petitioner's services had been terminated on 11th March, 1998 and the petitioner is essentially seeking information by way of a RTI application dated 01st December, 2012 with intent to challenge his termination order.

Since the termination order had been passed more than eighteen years ago, this Court refuses to exercise its writ jurisdiction on the ground of laches.

At this stage, learned counsel for petitioner states that the delay has occurred because the earlier counsel of petitioner had misplaced the

petitioner's files.

This Court finds it extremely difficult to believe 'this excuse' because if the lawyer had not taken any action for so many years, the petitioner would have pursued with the authorities forthwith and not filed a RTI application in the year 2012.

With the aforesaid observation, present writ petition is dismissed.

MANMOHAN, J

MAY 20, 2016

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