

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

CWP No. 9739 of 2016
Reserved on: 20.12.2016
Date of decision: 11.01.2017

Pawan Kumar Gupta

....Petitioner(s)

Versus

The Central Information Commission and another

...Respondent(s)

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

Present: Mr. Manoj Kumar Sharma, Advocate,
for the petitioner.

Mr. G.S. Ahluwalia, Advocate,
for respondent no. 2.

G.S.SANDHAWALIA, J.

The present petition has been filed for issuance of directions to respondents to provide information to the petitioner as per his application dated 21.11.2013 (Annexure P-1) under the Right to Information Act, 2005 (in short 'the Act'). Further prayer has also been made for grant of compensation.

The pleaded case of the petitioner is that he had become an Advocate in the year 1996 and was doing his practice at Jind and Narwana Courts. He had applied for empanelment as an Advocate with the Bank of Baroda, Narwana Branch but could not be selected by the bank. It came to his knowledge that Sh. R.C. Goel and Sh. R.K. Jethi, Advocates had been empanelled and resultantly request had been made to the bank for providing the reasons for rejecting his empanelment, which were not responded to.

Resultantly, an application was filed on 21.11.2013 wherein, copy of the

rejection order was asked for. The same had been responded on 21.12.2013 (Annexure P-2) wherein, only the list of the selected Advocates was given alongwith the reply. Thereafter, an appeal had been preferred to the First Appellate Authority on 08.01.2014 (Annexure P-3), which also did not satisfy the petitioner as the information had not been provided.

Resultantly, the second appeal was preferred on 12.05.2014 (Annexure P-5) before the respondent-Commission under Section 19 of the Act wherein, it had been directed vide order dated 26.11.2015 (Annexure P-6) that the copies of the notings be provided whereby the petitioner's application was rejected and those of the other two Lawyers was accepted. Despite the orders of the respondent-Commission, no information had been given though a reminder had been made on 12.03.2016 (Annexure P-7). Resultantly, the present writ petition has been filed for the grant of the necessary relief, as noticed above.

In the written statement filed by the respondent-bank, plea taken is that the the empanelment of the Lawyer on the bank panel is the discretion of the respondent no. 2 and the number of Lawyers to be empanelled is again the discretion of the respondent-bank. No right of empanelment can be claimed and only the suitable candidates can be considered for the said purpose. The Narwana branch had required two Lawyers and two of them had been approved. Both of them were senior to the petitioner and had been enrolled in the year 1977 and 1982 respectively whereas, the petitioner was enrolled with the Bar Council in the year 1996. The bank had given the reply to the RTI application well within time and, therefore, the petition deserves to be dismissed. No other document had been executed in the process of empanelment and the same could not be

generated. The Empanelment Committee had recorded its approval on the respective empanelment applications and there was no document which was maintained by the respondent-bank. The bank had not failed to produce any document and, therefore, the writ petition was liable to be dismissed.

A perusal of the application (Annexure P-1) would go on to show that the petitioner was aggrieved by the empanelment of two other Lawyers who were admittedly senior regarding their date of enrollment qua the petitioner, as noticed above, since he has been practicing since 1996 whereas they were practicing since 1977 and 1982. The information which was sought was as to why his application had been ignored and the copy of the order vide which the applications of the other two Lawyers which had been accepted alongwith the comparative statistics. The application dated 21.11.2013 (Annexure P-1) was immediately redressed on 21.12.2013 (Annexure P-2) giving the reasons that on account of experience/seniority and by taking the plea that the bio-data of the petitioner had been considered. The petitioner had also been supplied the communication dated 10.06.2013 (Annexure R-1) wherein, the said two Lawyers had been empanelled for the Narwana Branch alongwith the other Lawyers at Bhiwani and Chandigarh by the competent authority.

In such circumstances, it is apparent that the petitioner's grievances had been addressed within the requisite period of time. The requirement of the reasons for rejection are apparent on the face of the record keeping in view the comparative seniority/experience of the said Advocates qua the petitioner. The engagement of Lawyers *per se*, as such, and the right of empanelment is no vested right for which the petitioner can seek enforcement or information. The right of information, as such, which

is sought was qua the comparative statistics, which had been duly supplied to him. In such cases, once the respondent-bank had appropriately acted upon the request within the appropriate time, no case can be made out for compensation as has been pleaded. The empanelment process and the passing of any orders as such of rejecting the case of the petitioner have been amply replied vide communication dated 19.03.2016 (Annexure P-8) by the bank that there is nothing on record regarding the rejection of the case of the petitioner. The record had already been shown to him during his visit at the original office in Chandigarh as per the orders of the respondent-Commission as per the said communication and, thus, in the facts and circumstances, no case as such is made out for grant of compensation to the complainant for any loss or any detriment suffered under Section 19(8)(b) of the Act since the petitioner has no such legal vested right for seeking the empanelment as such.

Accordingly, the writ petition is dismissed.

11.01.2017
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No

