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

+ **W.P.(C) 6417/2014**

CH. RABINDRA SINGH

..... Petitioner

Through: Mr Harinder Chowdhary, Advocate.

versus

THE CENTRAL INFORMATION COMMISSION
(CIC) & ORS

..... Respondents

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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23.11.2017

1. The petitioner has filed the present petition, *inter alia*, impugning the order dated 04.04.2014 passed by the Central Information Commission (hereafter 'the CIC').
2. Learned counsel for the petitioner has limited his contentions in the present petition for demanding that suitable compensation be paid for unnecessary delay caused in furnishing information sought by him and that disciplinary action be taken against the concerned Public Information Officer (being respondent no.3 and hereafter referred as 'CPIO') for not providing the complete information sought by the petitioner.
3. Briefly stated, the relevant facts are that on 10.06.2013, the petitioner filed an application under the Right to Information Act, 2005 (hereafter 'the Act') seeking the following information:-

“4. Particulars of Information required:

- (i) Please specify the names and other complete detailed particulars viz. date of engagement, educational qualifications and the jobs assigned etc. of the casual labourers engaged in the office of CGDA, Jt. CGDA, DCDA, ACDA, CDA (BR) at various locations within Delhi/New Delhi w.e.f. 01.01.2000 till date of application.
- (ii) Please specify the period of their retention/engagement and wages/NPLB (Adhoc Bonus) paid to them. Authenticated copies of relevant records/documents be also furnished.
- (iii) Please specify the details of such casual labourers who have been regularized/confirmed till date. Their posts/designation & place of posting be also specified. Authenticated copies of relevant orders/documents be also be furnished.
- (iv) The reasons for dispensing with/disengagement of other such casual labourers be given. Copies of relevant orders/documents be also furnished.”

4. In response to the petitioner’s application, respondent no.3 furnished certain information indicating the names of the persons engaged by the headquarters with effect from 01.04.2010 onwards. The details of wages and bonus paid to the said casual labourers were also indicated. The petitioner was further informed that the causal labourers were appointed as MTS/(Trainee) in a temporary capacity and posted at the Headquarter Office.

5. Dissatisfied with the aforesaid information, the petitioner filed an appeal under Section 19 of the Act before the First Appellate Authority (hereafter ‘the FAA’). The said appeal was disposed of on 21.08.2013. The

FAA held that the CPIO had judiciously applied his mind while disposing of the petitioner's application and had made utmost efforts to ensure that the information as sought was provided to the petitioner. The FAA also noted that the relevant documents pertaining to the office are scattered in different files and collating those would disproportionately divert the resources of the public authority. Accordingly, the petitioner was requested to visit the Headquarters for inspection of the records and specify the information sought by him to enable the public authority to provide the same.

6. Aggrieved by the aforesaid order dated 21.08.2013 passed by the FAA, the petitioner preferred a second appeal under Section 19(3) of the Act, *inter alia*, praying as under:-

- “(a) To accept this second appeal and the impugned orders dated 21.08.2013 & 07.09.2013 (Annexure A/4 & 6 be set aside and the respondents be directed to divulge/furnish the complete requisite information with documents without any further delay, in the interest of justice.
- (b) Direct the respondents to pay compensation to the appellant as provided under the Act for the unnecessary delay caused in furnishing the information and compelling the appellant to approach this Commission.
- (c) Direct the competent authority of the respondents to initiate appropriate disciplinary action against them for their willful inaction and refusal to divulge the requisite information and documents in a capricious, whimsical and fanciful manner.”

7. The said appeal was disposed of by the impugned order, whereby the CIC held that the information regarding educational qualifications of the

casual labour employed was exempt from disclosure under Section 8(1)(e) of the Act; and, unless the petitioner was able to establish that larger public interest was involved, the same could not be disclosed. Nonetheless, the CIC directed the CPIO to provide copies of the appointment orders of the three individuals referred to by the CPIO in his response to the petitioner's application. The petitioner was also allowed to take photocopies of the documents if he so desired, as per the provisions of the Act.

8. The learned counsel for the petitioner had submitted that although the CIC had dealt with the petitioner's prayer for information, the CIC had completely ignored the other prayers made by the petitioner in his appeal; that is, to award compensation to the petitioner and to direct the competent authority to initiate appropriate disciplinary action against the CPIO.

9. The provision for awarding compensation is contained in Section 19(8)(b) of the Act, which reads as under:-

“19(8) In its decision, the Central Information Commission or State Information Commission, as the case may be, has the power to—

(a) xxxx xxxxx xxxxx

(b) require the public authority to compensate the complainant for any loss or other detriment suffered.”

10. In the present case, there are no averments that the petitioner had suffered any loss on account of denial of information. In any event the petitioner has failed to establish that he had suffered any loss or other detriment. Compensation under Section 19(8)(b) of the Act cannot be awarded without the information seeker establishing that it suffered a loss or other detriment. Thus, the petitioner is not entitled to any compensation and

no compensation could be awarded to him.

11. The contention that disciplinary proceedings ought to have been initiated against the CPIO is also unmerited. A plain reading of Section 20(2) of the Act indicates that where the CIC, at the time of deciding any complaint or appeal, is of the opinion that the Public Information Officer has without any reasonable cause and persistently: (i) failed to receive an application for information, or (ii) has not furnished information within the specified time, or (iii) denied the request for information with a *malafide* intention, or (iv) knowingly given incomplete or misleading information, it shall recommend that disciplinary action be initiated against the concerned PIO. Clearly, in this case, no such opinion was formed by the CIC and thus the question of directing that such action be taken did not arise.

12. In view of the above, this Court finds no grounds to interfere with the impugned order.

13. The petition is, accordingly, dismissed.

VIBHU BAKHRU, J

NOVEMBER 23, 2017
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