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

+ W.P.(C) 6859/2017

NARESH KUMAR TOMAR Petitioner

Through: Mr J. S. Mann, Advocate.

versus

UNION OF INDIA & ANR. Respondents

Through: Mr Rahul Sharma and Mr C. K. Bhatt, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **09.08.2017**

CM No.28557/2017

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The petitioner has filed the present petition impugning an order dated 08.06.2015 passed by the Central Information Commission (CIC) rejecting the petitioner's second appeal against an order dated 05.07.2013 passed by the First Appellate Authority (FAA) upholding the CPIO's response dated 20.02.2013.

4. The petitioner was subjected to certain disciplinary proceedings and was dismissed from service in the Central Reserve Police Force (CRPF). He has also exhausted his remedies as available against the punitive action imposed on him. It appears that the endeavour of the petitioner is to

ascertain all relevant material available with the concerned authorities that led to his dismissal from services. To this end, the petitioner had made several applications under the Right to Information Act, 2005 (hereafter 'the Act').

5. The petitioner's application dated 11.02.2013 was rejected by the CPIO on the ground that the public authority in question (CRPF) is excluded from the purview of the Act by virtue of Section 24(1) of the said Act read with the Schedule thereto. Aggrieved by the said decision of the CPIO, the petitioner preferred an appeal before the FAA, which was also dismissed on 05.07.2013.

6. This led the petitioner to file second appeal under Section 19(3) of the Act before the CIC. The CIC by its order dated 08.06.2015, which is impugned in the present petition, rejected the petitioner's appeal by observing that although the public authority in question was exempt from the purview of the Act by virtue of Section 24(1) of the Act; nonetheless, the public authority had supplied the necessary information that was sought by the petitioner by an Office Order dated 05.04.2011 which is quite comprehensive.

7. The learned counsel for the petitioner states that the said order has not been annexed with the present petition and the finding of the CIC that the said order comprehensively answered all the queries raised by the petitioner is also not being challenged in this petition. In view of the above, this Court does not find any ground to interfere with the order dated 08.06.2015.

8. At this stage, the learned counsel for the petitioner requests that the

petitioner's right to challenge the said finding of the CIC be kept open. In view of the above, the petition is disposed of with liberty to file afresh in the event the petitioner is aggrieved by the aforesaid finding of the CIC.

VIBHU BAKHRU, J

AUGUST 09, 2017
MK