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

+ **W.P.(C) 7220/2015**

S.S. CHAWLA

..... Petitioner

Through: **Mr Vinod Zutshi, Advocate.**

versus

**THE CPIO & GENERAL MANAGER (ADMN)
& ORS**

..... Respondents

Through: **Mr Abir Phukan and Ms Sonali Jain,
Advocates.**

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% 30.11.2017

1. The petitioner has filed the present petition impugning an order dated 29.05.2015 (hereafter 'the impugned order') passed by the Central Information Commission (hereafter 'CIC') rejecting the petitioner's second appeal under Section 19(3) of the Right to Information Act, 2005 (hereafter 'the Act').
2. The petitioner had filed an application on 19.09.2014 under the Act, *inter alia*, seeking the following information:-

"The concerned CPIO, MoUD please furnish the following information in respect of Dr.A.K. Mittal, CMD, NBCC Ltd. under the provision of the RTI Act, 2005.

- (1) Please furnish the hierarchy of posts in the cadre of Dr. Mittal since his joining in the NBCC Ltd.
- (2) Please furnish the list of dates in respect of service rendered by Dr. Mittal in each Post.

- (3) Please furnish the due date of each promotion of Dr Mittal as per promotion policy of the organization.
- (4) Please Furnish the date of promotion list in which DrMittal was not considered in his Due Promotion.
- (5) Please furnish the number of employees who were senior to Dr Mittal in seniority list in each cadre but superseded by Dr Mittal in his each promotion.
- (6) Please furnish the true copies of relevant file notings/documents for which Dr Mittal considered out of turn promotion.
- (7) Please furnish the detail of each project wherein Dr Mittal was posted till completion of aforesaid project alongwith true copies of handed over report of the project.
- (8) Please furnish the detail of outstanding dues lying in the books of NBCC where in Dr Mittal was posted.
- (9) Please furnish the detail wherein Dr Mittal was posted and outstanding dues of those projects was write off in the books of NBCC.
- (10) Please furnish the detail of itemwise recovery made by the DHP, ESIC and other clients wherein Dr Mittal was posted.
- (11) Please furnish the quantum of amount deducted/ withheld by the DHP, ESIC and other clients.
- (12) Please furnish the detail of place of postings of Dr Mittal since his joining in NBCC.
- (13) Please furnish the information when Dr.Mittal was due for posting from outside Delhi as per organization transfer policy.
- (14) Please furnish information for each proposal while

Dr Mittal had recommended the payment for hosting the dinner for officials of Ministry of Urban Development prior to holding the post of Director/CMD.

- (15) Please furnish the date of receipt of complaint, made against hosting of dinner for MoUD Officials along with true copies of relevant file notings of investigation report.”

3. As is apparent from the above, some of the information sought was in the nature of personal information relating to Dr Mittal (who is currently posted as the Chairman cum Managing Director with NBCC India Ltd.). Accordingly, Dr Mittal was called upon to respond to the petitioner’s application as per the procedure envisaged under Section 11(1) of the Act.

4. Dr Mittal opposed the disclosure of information and, therefore, the same was not disclosed to the petitioner.

5. Aggrieved by the non-disclosure of the information, the petitioner preferred an appeal before the First Appellate Authority (hereafter ‘FAA’), which was also dismissed on 06.01.2015. The FAA held that the information that was sought by the petitioner was not available with the public authority at one place and was spread over the country in various offices and collating and furnishing such data would involve resources disproportionate to the resources available with the public authority (NBCC India Ltd). The FAA also observed that the information sought by the petitioner was not for any larger public interest but to cause embarrassment to the public authority. It is also noticed that at the material time, the petitioner had filed almost 61 applications under the Act on one pretext or the other (which number, the

learned counsel for the respondent now states, has increased to 94).

6. Aggrieved by the decision of the FAA, the petitioner preferred a second appeal before the CIC, which was rejected by the impugned order. The CIC concluded that there was no infirmity in either CPIO's response to the petitioner's request or the order passed by the FAA.

7. As noticed above, the petitioner had sought information on 15 counts. It is seen that the information sought by the petitioner on each count has not been separately considered. A bare perusal of some of the queries indicates that they neither relate to any personal information nor would involve much resources of the NBCC India Ltd.

8. As an illustration, the first query sought by the petitioner was to furnish the hierarchy of posts in the cadre of Dr Mittal since his joining NBCC India Ltd. The CPIO was, thus, required to give the hierarchy of designations in the organisation. Plainly, this neither relates to any personal information nor would involve much resources of the public authority. This information may also be available in the public domain. The second query sought by the petitioner was regarding furnishing "the list of dates in respect of service rendered by Dr Mittal in each post". The petitioner was merely to provide Dr Mittal's profile indicating the posts held by Dr Mittal. Since Mr Mittal is currently posted as the Chairman cum Managing Director with NBCC India Ltd., this information would also be readily available and it is also the usual practice for companies to give a brief profile of their officers occupying the top managerial posts along with the Annual Report.

9. Undoubtedly, some of the information sought by the petitioner would

be voluminous and may require considerable resources. However, it was necessary for the CPIO or the FAA to consider the specific queries and respond accordingly. It is seen that the CIC has also not considered as to which queries could be answered by CPIO and which of the queries were exempted from disclosure under Section 8(1) of the Act.

10. In this view, this Court considers it apposite to set aside the impugned order and remand the matter to the CIC for examination of the issue regarding disclosure of information sought by the petitioner query-wise. It is also relevant to state that if the CIC finds that the petitioner has been abusing the provisions of the Act and the information sought is vexatious, it would be open for the CIC to pass an appropriate order in this regard.

11. The petition is disposed of with the aforesaid observations.

NOVEMBER 30, 2017
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VIBHU BAKHRU, J