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

+ **W.P.(C) 9086/2015 & CM No. 20570/2015**

K.P. SINGH

..... Petitioner

Through: Mr R. K. Gupta, Advocate.

versus

RAJU SINGH AND ANR.

..... Respondents

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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24.07.2017

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 16.07.2015 (hereafter 'the impugned order') passed by the Central Information Commission (CIC) whereby the CIC has imposed a penalty of ₹25,000/- on the petitioner (the CPIO) for non-supply of information.
2. The respondent no.1 had filed an application under the Right to Information Act, 2005 (hereafter 'the Act'), *inter alia*, seeking the following information:-

- “(a) Copy of Approval of Disciplinary Authority to issue the aforesaid Memorandum in the file notings;
- (b) Copy of the Draft of the aforesaid Memorandum, mentioned at (a) above, approved by the Disciplinary Authority;
- (c) Copy of the notings, dealing with my Written Statement of Defence in response to the aforesaid Memorandum;

- (d) Copy of the complaint and proceedings of the preliminary inquiry leading to the aforesaid Memorandum;
- (e) Copy of approval of Disciplinary Authority to issue the order appointing the Inquiring Authority;
- (f) Copy of the Draft of the aforesaid Order, mentioned at (e) above, approved by the Disciplinary Authority;
- (g) Copy of approval of disciplinary authority to issue the Order appointing the Presenting Authority;
- (h) Copy of the Draft of the aforesaid order, mentioned at (g) above, approved by the Disciplinary Authority; and
- (i) Copy of the proof of Delivery of daily order sheets of the Inquiring Authority to me.”

3. Respondent no.1 had also sought to inspect the files. Apparently, the said information was denied to him. The petitioner has not filed the relevant orders passed in this regard, however, it appears from the impugned order that no point-wise response was given to the said queries. Further, the petitioner had also not provided any credible reason as to why the documents sought were denied to respondent no.1. Aggrieved by the denial of information, respondent no.1 had preferred an appeal before the First Appellate Authority (FAA) on 24.03.2014. However, it appears that the said appeal was not disposed of. In the circumstances, on 28.04.2014, respondent no.1 preferred a second appeal as well as a complaint before the CIC.

4. CIC examined the controversy and by an order dated 24.04.2015 directed the petitioner to furnish point-wise response to the information as sought by respondent no.1 within 15 days of the receipt of the order under intimation to the CIC. CIC also directed that respondent no.1 would be free

to seek inspection of the relevant records.

5. As is apparent from the RTI application filed by respondent no.1, he was seeking information pertaining to disciplinary proceedings initiated against him. According to respondent no.1, the information was necessary and, therefore, the CIC found no reason as to why such information ought to have been denied by the petitioner.

6. While, directing the petitioner to furnish information, the CIC also issued Show Cause Notice to him to show cause as to why penalty ought not to be imposed on him under Section 20 of the Act. In response to the said Show Cause Notice, the petitioner took a stand that the information as sought for was exempt from disclosure under Section 8(1)(h) of the Act. The CIC rejected this contention - and in view of this Court rightly so - as the enquiry in question pertained to respondent no.1 and he was not seeking any third party information. The CIC also noted that no such ground had been stated by the petitioner while denying the information initially and, therefore, after enquiry imposed a penalty of ₹25,000/- to be deducted from the petitioner's salary.

7. This Court also does not find any infirmity with the CIC's decision that the information as sought by respondent no.1 was not exempt from disclosure under Section 8(1)(h) of the Act. In terms of Section 8(1)(h), *'information which would impede the process of investigation or apprehension or prosecution of offenders'* is exempt from disclosure. In the present case, the disciplinary proceedings had already been initiated against respondent no.1 and thus, he was entitled to all the relevant documents

including the information as sought for. There is no plausible explanation as to how disclosure of information as sought by respondent no.1 would obstruct the investigation.

8. The order dated 24.04.2015, whereby the CIC had directed the petitioner to provide information has not been challenged in any proceedings and that order has become final. However, on a pointed query to the learned counsel for the petitioner as to whether such information was provided to respondent no.1, subsequently, in compliance with the order dated 24.04.2015, the learned counsel has responded in the negative. Plainly, this conduct of the petitioner cannot be countenanced. Despite clear directions from the CIC to provide information as sought for, it appears that the petitioner has still persisted in withholding the information as sought for by respondent no.1.

9. In the aforesaid circumstances, this Court is not inclined to interfere in with the impugned order.

10. The petition and the pending application are disposed of.

11. Order *dasti*.

VIBHU BAKHRU, J

JULY 24, 2017
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