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

+ **W.P.(C) 9857/2017 & CM No.40109/2017**

THE CENTRAL PUBLIC INFORMATION OFFICER

CENTRAL BUREAU OF INVESTIGATION Petitioner

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

versus

CENTRAL INFORMATION COMMISSIONER

AND ANR

..... Respondents

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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04.12.2017

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 07.06.2017 (hereafter 'the impugned order') passed by the Central Information Commission (hereafter 'the CIC'), whereby the petitioner has been called upon to provide respondent no.2 with the information regarding the duties and responsibilities of clerks with the petitioner.

2. Briefly stated, the relevant facts necessary to address the controversy are that respondent no.2 filed an application dated 23.02.2016 under the Right to Information Act, 2005 (hereafter 'the Act'), *inter alia*, seeking the following information:-

“(i) What is the duty & powers of clerical staff posted in your office. Please also provide the photocopy of concerned

order/Memorandum/Notification issued in the matter.

- (ii) Please provide the copy of circular/notification mentioning therein about the duty and power of the clerical staff to put up the note sheet directly before the senior CBI Officers.
- (iii) Whether the clerical staff draft the note sheet along with his noting? Provide the copy of concerned Government Circular/Orders/notification issued in the matter.
- (iv) Whether the clerical staff have any powers to fake the decision in financial matters (Copy enclosed)."

3. Apparently, the said application was transferred to the Superintendent of Police SP (HQ), CBI, 5-B, CBI Headquarters Building, CGO Complex Lodhi Road, New Delhi. A copy of the communication transferring respondent no. 2's application was also sent to respondent no.2 and he was further advised to approach the concerned authority.

4. Thereafter, respondent no.2 corresponded with the aforesaid authority but his request for the information was not acceded to.

5. In the circumstances, respondent no.2 filed an application before the CIC, *inter alia*, requesting that information as sought by him by way of his application dated 23.02.2016 be provided to him. The said application was considered as an appeal by the CIC. The petitioner contested the aforesaid appeal, *inter alia*, on the ground that it was exempt from the purview of the Act by virtue of Section 24(1) of the said Act read with the Schedule to the Act. Although, the CIC has noted the petitioner's contention in the impugned order but he has rendered no decision in this regard.

6. In view of the above, this Court considers it apposite to set aside the

impugned order and remand the matter to the CIC to specifically consider the petitioner's contention that it is outside the purview of the Act by virtue of Section 24(1) of the Act and, therefore, is not obliged to provide information as sought for by respondent no.2. It is so directed.

7. The petition and pending application are disposed of.

VIBHU BAKHRU, J

DECEMBER 04, 2017
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