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

+ W.P.(C) 9921/2017

NARESH KUMAR TOMAR ..... Petitioner

Through: Mr J. S. Manu, Advocate.

versus

UNION OF INDIA & ANR ..... Respondents

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

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**

% **10.11.2017**

**CM No.40478/2017**

1. Allowed, subject to all just exceptions.

**W.P.(C) 9921/2017**

2. Issue notice. Learned counsel for the respondents accepts notice.

3. The petitioner has filed the present petition impugning an order dated 08.06.2015 (hereafter 'the impugned order') passed by the Central Information Commission (hereafter 'the CIC') rejecting the petitioner's second appeal preferred under Section 19(3) of the Right to Information Act, 2005 (hereafter 'the Act') against an order dated 05.07.2013 passed by the First Appellate Authority (hereafter 'the FAA'). By the said order dated 05.07.2013, the FAA had upheld the respondents' response dated 20.02.2013 to the petitioner's application for information under the Act.

4. This is the second petition filed by the petitioner for similar reliefs.

The first petition, being W.P.(C) 6859/2017 captioned as '***Naresh Kumar Tomar v. Union of India & Anr.***' was disposed of by an order dated 09.08.2017, *inter alia*, permitting the petitioner to challenge the finding of CIC with regard to the Office Order dated 05.04.2011.

5. The impugned order records that the respondents had - by an Office Order dated 05.04.2011 of about into six pages - supplied comprehensive information pursuant to the petitioner's earlier request. This fact was not disputed by the petitioner either before the CIC or in the earlier petition. The petitioner now claims that the Office Order dated 05.04.2011 was never served on the petitioner and he has no knowledge of the same.

6. The petitioner was employed with Central Reserve Police Force (hereafter 'the CRPF'). Certain disciplinary proceedings were initiated against him, which resulted in his dismissal from service. The learned counsel for the respondents states that the petitioner has exhausted all his remedies against the dismissal order; he had preferred an appeal and review against his dismissal from service and the same were rejected. He further submits that the present petition is yet another endeavour of the petitioner to reopen issues that had been finally put to rest.

7. This Court is not called upon to examine whether the action taken by the CRPF against the petitioner or his dismissal from service are justified or not. The limited scope of examination in the present petition is whether the petitioner is entitled to certain information and whether its denial is justified.

8. Admittedly, the petitioner's request for information had been denied by the respondents on the ground that the CRPF is not within the purview of the Act by virtue of Section 24 of the Act read with the schedule thereto. The petitioner also does not join issue on this point. However, learned

counsel for the petitioner points out that the CIC had proceeded on the basis that although CRPF was outside the purview of the Act, it had voluntarily provided information sought for by the petitioner. He, thus, fairly confines the present petition only to seeking the letter dated 05.04.2011, which was described as a comprehensive response, by CRPF's representative before the CIC, and the order of his dismissal from service.

9. Since it is the respondents' case that the said letter/order had been supplied to the petitioner, the respondents could have no objection to supplying the same. This is, of course, without prejudice to their contention that they had already done so. The respondents can also have no objection to providing the petitioner the order of his dismissal as it is their case that the same was provided to the petitioner and the petitioner had exhausted all his remedies to challenge the same.

10. In view of the above, the present petition is disposed of by directing the respondents to provide a copy of the order/letter dated 05.04.2011 and the dismissal order within a period of four weeks from today. This is without prejudice to the respondents' contention that the same had already been provided to the petitioner.

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

12. Order *dasti*.

**VIBHU BAKHRU, J**

**NOVEMBER 10, 2017**

**MK**