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

+ W.P.(C) 11273/2017

SS MAHENDRA KUMAR

..... Petitioner

Through: Mr M. P. Sri Vignesh, Mr Jose
Abraham and Mr Sreenath S.,
Advocates.

versus

CENTRAL INFORMATION COMMISSION
AND ANR.

..... Respondents

Through: Mr Sarfaraz Ahmad, Advocate for R-
2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **18.12.2017**

1. Issue notice. Learned counsel for the respondents accepts notice.
2. The petitioner has filed the present petition, *inter alia*, praying as under:-
 - (a) Issue a writ of mandamus or any other appropriate writ or direction to the Central Information Commission to expeditiously dispose off the matter filed by the petitioner herein in vide Diary No. 605633, pending before it;
 - (a) Issue a writ of mandamus or any other writ to the Central Information Commission to frame guideline to dispose of expeditiously the cases relating to information sought for concerning the life and liberty under proviso to Section 7(1) of the Right to Information Act, 2005.”
3. The principal grievance of the petitioner is that his appeal (which was

filed on 30.09.2017) has not been heard.

4. The petitioner had filed an application on 05.09.2017 under the Right to Information Act, 2005 (hereafter 'the Act') seeking information to the status of his application for Special Pension and details of the number of sailors who had been issued Special Pension after 14.08.2017. It is stated that the petitioner's query has not been answered as yet.

5. According to the petitioner, the information sought by him relates to life and liberty of a person and in terms of Section 7(1) of the Act, the said information was required to be provided within 48 hours of the receipt of his request.

6. Since, no response was received by the petitioner to his queries, he preferred an appeal before the First Appellate Authority (hereafter 'the FAA') on 13.09.2017. It is claimed that the petitioner did not receive any response to the said appeal as well and was therefore, constrained to file a second appeal before the CIC under Section 19(3) of the Act.

7. This Court is not persuaded to accept that the issue as to pension would fall under the scope of information as to life and liberty of a person and thus the fundamental premise that the petitioner's query ought to have been answered within 48 hours is erroneous.

8. This Court is also not persuaded to issue any directions to the CIC to dispose of the petitioner's appeal within a specified time as this Court is not aware as to the pendency of the matters pending before the CIC. Clearly, no priority is required to be accorded to the petitioner's appeal over other appeals that are pending before the CIC.

9. Having stated above, it is expected that the CIC will take up the petitioner's appeal in its turn and dispose of the same as expeditiously as

possible.

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

VIBHU BAKHRU, J

DECEMBER 18, 2017
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