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

+ W.P.(C) 946/2018

SHRI KIMTI LAL

..... Petitioner

Through: Ms. Aldanish Rein, Ms. Maheravish
Rein and Ms. Shamshravish Rein, Advocates

versus

INDO TIBETAN BORDER POLICE FORCE Respondent

Through: Ms. Bharathi Raju, CGSC

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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05.02.2018

1. The petitioner, who is serving as a Head Constable in the respondent/ITBP, seeks directions to the respondent to furnish him a complete set of the documents of the departmental proceedings and the records of evidence in respect of the Summary Force Court (in short 'SFC') conducted against him under Sections 28 and 43 of the ITBPF Act, 1992, in which he was found guilty and punishment of compulsory retirement was awarded to him on 29.12.2015.

2. Counsel for the petitioner states that the appeal filed by the petitioner against the punishment awarded to him was rejected by the Appellate Authority, as intimated to him on 31.03.2017. When the petitioner proposed to challenge the said decision in the Court of law, he realised that the documents pertaining to the departmental enquiry are not complete. When

the petitioner made efforts to obtain the said documents through the RTI route, the respondent stated in the letter dated 26.07.2017 that as per the rules, copies of the relevant documents have already been provided to him vide Memo dated 27.12.2015. Counsel for the petitioner states that not satisfied with the said reply, the petitioner had filed an appeal under the RTI Act, which was rejected on the ground that the information required does not fall under the provisions of the said Act. Hence, the present petition.

3. Ms. Raju, learned counsel for the respondent, who appears on advance notice, states that the respondent has no objection to furnishing another set of the documents that are permissible under the rules but not the entire Court proceedings as sought by the petitioner.

4. Learned counsel for the petitioner submits that whatever documents can be furnished in law, may be directed to be furnished to the petitioner.

5. With the consent of the parties, the present petition is accordingly disposed of at the stage of admission itself by issuing directions to the respondent/ITBP to furnish to the petitioner's all the relevant documents pertaining to the SFC, that are permissible in law, within two weeks from today.

6. The petition is disposed of.

HIMA KOHLI, J

PRATIBHA RANI, J

FEBRUARY 05, 2018

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