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

\+ W.P.(C) 2058/2018

SUPDT OF POST OFFICES/CPIO ..... Petitioner

Through: Mr Manish Mohan, CGSC with Ms Manisha Saroha, Advocate.

versus

CENTRAL INFORMATION COMMISSION & ANR ..... Respondents

Through: None.

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

**<u>O R D E R</u>**

% **30.07.2018**

1. None appears for the respondents despite service of notice. This Court does not consider it apposite to await representation on behalf of the respondents any further and the petition is taken up for hearing.

2. The petitioner has filed the present petition impugning an order dated 16.09.2017 (hereafter 'the impugned order') passed by the Central Information commission (hereafter 'CIC') pursuant to an application filed by respondent no.2.

3. The petitioner contends that the directions issued by the CIC relating to conducting inquiries and furnishing certain reports, are are outside the jurisdiction of the CIC.

4. Briefly stated, the relevant facts necessary to address the controversy involved in the present petition are as under:-

3.1 On 05.12.2016, respondent no.2 filed an application under Right to

Information Act, 2005 (hereafter 'RTI Act') seeking following information: (a) how many persons exchanged old notes for new notes at Pinto Park Branch & also in 3 wing branch of Post Office in Air Force Area from 08.11.2016 to 25.11.2016 after demonetization; (b) total amount of new currency issued for the period 08.11.2016 to 01.12.2016 to both the post offices; and (c) how many individuals exchanged the currency notes by producing their respective ID cards for the period 08.11.2016 to 01.12.2016 and sought addresses of all such individuals.

3.2 The Central Public Information Officer (CPIO) denied the aforesaid information as sought by respondent no.2 on the ground that it *was not available in consolidated form*.

3.3 Aggrieved by the decision of CPIO, respondent no.2 preferred an appeal before the First Appellate Authority (FAA) on 23.12.2016. The said appeal was rejected by an order dated 13.01.2017, on the ground that such information was exempt from disclosure under Section 8(1)(j) of the RTI Act.

3.4 Aggrieved by the decision of the FAA, on 18.01.2017, respondent no.2 preferred a second appeal under Section 19(3) of the RTI Act before the CIC. The CIC allowed the said appeal by an order dated 23.05.2017 and directed CPIO to provide the information as sought for by respondent no.2 after redacting the addresses and personal information.

3.5 It is stated that the petitioner has complied with the aforesaid order and has provided the necessary information under cover of its letter dated 08.06.2017 and 19.07.2017. It is stated that the daily cash supplied to the

Post Office in question from Sarojini Nagar, HPO was not maintained denomination wise. Thus, the exact particulars of the new currency could not be given.

3.6 Thereafter, on receipt of the aforesaid information, respondent no.2 and the President of the Central Government Employees Residents Welfare Society submitted a representation dated 04.08.2017 to the CIC expressing the apprehension that none of the persons who had exchanged the demonitised currency notes at the Post Office were residents of the colony in question. Thus, they requested that a high level inquiry be held in the matter and necessary action be taken against the corrupt public servants.

3.7 The CIC considered the above submission and by the impugned order directed that a high level probe be conducted. The operative part of the impugned order reads as under:-

> "16. Thus, nothing could be ruled out in these circumstances. The Commission finds merit in his apprehension and the representation of Central Government Employees Residents Welfare Association, and recognizes the need for a probe by verifying the names of the persons who exchanged old currency notes, with the names of residents and outsiders entered as available at the gate-entry register and resident members of the Association. The Commission requires the First Appellate Authority of the respondent Department of Post offices, and submit the report to the Director General of Post Office, marking a copy to Reserve Bank of India, the Ministry of Finance, and the PMO, and mark report status of action taken to the appellant under intimation to this Commission within 45 days from the date of receipt of this order, and recommends the DG of Postal Services, office of the Finance Ministry, RBI and the PMO to take appropriate action on the findings."

5. The CIC is a statutory body constituted under Section 12 of the RTI Act. It is required to perform the functions and exercise its powers strictly in accordance with the RTI Act. In terms of Section 19(8) of the Act, the powers of CIC are limited to issuing directions for (a) requiring the public authority to take any such steps as may be necessary to secure compliance with the provisions of RTI Act; (b) requiring the public authority to compensate the complainant for any loss or other detriment suffered; and (c) to impose any of the penalties provided under the RTI Act.

6. In the present case, the CIC has allowed the second appeal by an order dated 23.05.2017. The said order is also styled as a show cause notice. This is so as the CIC had also directed Mr D.R. Sen, SSPO, South-West, Delhi, CPIO to show cause why maximum penalty should not be imposed upon him for unlawfully denying the information sought for by respondent no.2. Undoubtedly, the CIC could have proceeded to levy penalty as provided under Section 20 of the RTI Act in the event that it concluded that the information had been deliberately denied to respondent no.2. However, the CIC had no jurisdiction to issue any further directions with regard to conduct of probe and submission of reports to various authorities including the Reserve Bank of India and the Prime Minister's Office. The CIC has no power to either direct or make recommendations for any action to be taken by any other authority, which is unconnected with the disclosure/dissmination of information.

7. It is also noticed that Mr D.R. Sen, CPIO had submitted an explanation pursuant to the show cause notice and the CIC has not directed any punitive measure under Section 20 of the Act.

8. In view of the above, the directions issued by the CIC as contained in paragraph 16 of the impugned order are set aside. It is, however, clarified that this would not preclude respondent no.2 from pursuing his other remedies in accordance with law.

**VIBHU BAKHRU, J**

**JULY 30, 2018**
**RK**