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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 2507/2018 & C.M.APPLN. APPL. 10406/2018
+ W.P.(C) 2508/2018 & C.M.APPLN. APPL. 10408/2018
+ W.P.(C) 2517/2018 & C.M.APPLN. APPL. 10418/2018

MUKESH KUMAR Petitioner
Through : Mr. Sanjay K. Shandilya,
Mr.Abhishek Singh, Advocates.
versus
CENTRAL INFORMATION COMMISSION
AND ANR. Respondents
Through : None.

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER
% **29.11.2018**

1. Despite service being effected upon the respondents, none had appeared on their behalf on the last date of hearing, same is the position today. In view of this, court is left with no option but to proceed with the matter.
2. The petitioner has challenged the order dated 25.01.2018 passed by CIC whereby, the appellate authority was directed to recover the amount of Rs.25,000/- from the salary of the petitioner/Mukesh Kumar, CPIO and RPFC-I (Pension) by way of a demand draft drawn in favour of 'PAO CAT' at New Delhi in five equal monthly instalments.
3. These writ petitions are filed on the ground that imposition of penalty under Section 20 of the Right to Information Act, 2005 requires that at the time of deciding any complaint or appeal, the

Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-Section (1) of Section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject to the request or obstructed in any manner in furnishing the information, it shall impose a penalty.

4. Learned counsel for petitioner submits that the petitioner disposed of 453 applications out of the total of 1249 applications for the period w.e.f. 01.04.2017 to 31.12.2017. He submits that it shows that the petitioner is responsible for disposing around 36 % of the applications received in EPFO Headquarters, New Delhi.

5. It is the settled law that if the information is misleading and not deliberately given within the specified time, then certainly CIC has powers to impose the costs as per law.

6. In the present case, while coming to the conclusion that the petitioner is liable to pay a costs of Rs.25,000/-, the said opinion is not formed by the Commission.

7. Accordingly, I hereby set aside the order dated 25.01.2018 passed by CIC to the extent of penalty imposed upon the petitioner.

8. These writ petitions are disposed of with the above directions.

SURESH KUMAR KAIT, J

NOVEMBER 29, 2018

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