

\$~51

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

+ W.P.(C) 7514/2018

UNION OF INDIA & ANR

..... Petitioners

Through: Mr Vijay Joshi, Sr. Panel Counsel.

versus

SUBHASH CHAND SONI

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

23.07.2018

CM No.28691/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 7514/2018 & CM No.28690/2018

2. The petitioner has filed the present petition impugning an order dated 13.06.2017 passed by the Central Information Commission (hereafter 'the CIC') imposing a penalty of ₹25,000/- for failure on the part of petitioner no.2 to provide the information as sought by the respondent.

3. The respondent had, by an application dated 08.01.2016, sought certain information under the Right to Information Act, 2005 (hereafter 'the Act') with regard to failure of conciliation proceedings between him and LIC. Petitioner no.2 responded to the said request by a letter dated 01.02.2016 stating that relevant files had not been received from the Assistant Labour Commissioner, Ajmer and, therefore, the information may

be treated as “Nil”. Concededly, petitioner no.2 did not make any efforts to either obtain the necessary information from the concerned officer or to transfer the application to another PIO, who would have access to the relevant information sought by the respondent.

4. Aggrieved by the denial of information, on 09.04.2016, the respondent preferred an appeal under Section 19 of the Act before the First Appellate Authority. The said appeal was disposed of by an order dated 01.06.2016. On 04.05.2016, the respondent preferred a second appeal under Section 19(3) of the Act before the CIC. The said matter was taken up by the CIC on 22.03.2017 and on that date, the CIC directed petitioner no.2 to show cause why the maximum penalty should not be imposed on him for not providing the information sought by the respondent (appellant before the CIC) within a period of 30 days.

5. Petitioner no.2 submitted reply to this show cause notice by a letter dated 06.04.2017, *inter alia*, forwarding his response to the respondent's application dated 08.01.2016 under the Act. A bare perusal of petitioner no.2's response dated 06.04.2017 indicates that petitioner no.2 offered no explanation for denial of information except to state that the information was not available at the material time in the 'IR (M) Desk'.

6. Clearly, if the relevant file was not available with petitioner no.2 at the material time, petitioner no.2 was obliged to procure information from the concerned officer or to forward the application to the PIO who would have access to the relevant information. But, petitioner no.2 did neither. He only expressed his inability to provide the information. Accordingly, the CIC passed the impugned order imposing a penalty of ₹25,000/- on

petitioner no.2.

7. This Court finds no infirmity in the aforesaid decision, as there can be little doubt that petitioner no.2 had failed to provide the information in accordance with the provisions of the Act.

8. The petition is, accordingly, dismissed.

JULY 23, 2018
MK

VIBHU BAKHRU, J