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IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) 9313/2018

AMIT SHUKLA

..... Petitioner

Through

Mr. Sandeepan Pathak and Mr. Rohin
Oza, Advocates.

versus

CENTRAL PUBLIC INFORMATION OFFICER

..... Respondent

Through

AND

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W.P.(C) 9321/2018

AMIT SHUKLA

..... Petitioner

Through

Mr. Sandeepan Pathak and Mr. Rohin
Oza, Advocates.

versus

CENTRAL INFORMATION COMMISSION

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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05.09.2018

C.M. Nos.35997/2018 & 35998/2018 in WP(C) No.9313/2018

C.M. Nos.36043/2018 & 36044/2018 in WP(C) No.9321/2018

1. Allowed, subject to all just exceptions.
2. The applications are disposed of.

WP(C) No.9313/2018

WP(C) No.9321/2018

3. The petitioner has filed the present petitions, *inter alia*, impugning an order dated 25.01.2018 (hereafter 'the impugned order') passed by the Central Information Commission (hereafter 'the CIC') rejecting the

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By:AMULYA

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appeals/complaints preferred by the petitioner. The petitioner had filed an application dated 17.05.2016 under the Right to Information Act, 2005 (hereafter 'the Act'), *inter alia*, seeking the following information:

"(1) Kindly provide me certified copy of my service book pages / service record pages where my educational, professional & technical qualifications have been mentioned.

(2) Kindly give me the details of leave balance i.e. EL, Medical, CL etc. as on 06/10/2011 at the time of resignation from the High Court, Indore from the Post of Stenographer."

4. The petitioner had also filed another application dated 08.04.2016, *inter alia*, seeking the following information:

"1. Kindly provide me the certified copy of my service book pages where my educational, professional and technical qualifications have been mentioned.

2. At the time of joining in Recruitment Section alongwith other forms I had filled DAEEFRS form on 07.10.2011 but till today I have not got any information regarding DAEEFRS form and no number/account number thereof has yet been communicated. When I inquired about it in Recruitment Section I was informed that immediately after joining all your documents alongwith DAEEFRS form were sent to Establishment Section. So kindly give me the certified copy of DAEEFRS form which I filled at the time of joining in 2011 and also inform me what action has been taken in connection with my DAEEFRS form so far and give me the certified copy of DAEEFRS number/account number."

5. There is no dispute that the petitioner has been provided the copies of

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his service book. He has also been provided the details of his leave. However, learned counsel appearing for the petitioner submits that the said information was not provided within time. He further states that the petitioner has not been provided a copy of the DAEEFRS form which was filled by him at the time of joining service in 2011.

6. Since the information regarding the service book and the leave availed, as sought for by the petitioner, have been provided, the said issue does not arise for consideration in these petitions.

7. Insofar as DAEEFRS form is concerned, the petitioner was informed by a communication dated 28.04.2016 that the same is not available. Aggrieved by the aforesaid communication, the petitioner had preferred an appeal under Section 19 of the Act which was disposed of by the First Appellate Authority (FAA) by an order dated 29.06.2016. In the said order, FAA had clearly held as under:

“In the second query of the original RTI application, the appellant has asked for copy of his application form for DAEEFRS. The application form is not available on record and hence PIO, RRCAT has replied accordingly. The appellant may also note that no recovery from his salary has been made towards DAEEFRS since his appointment in RRCAT.”

8. It is apparent from the above that the information regarding DAEEFRS form has not been provided to the petitioner since the same is not available.

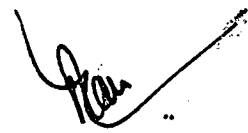
9. The only question that remains to be considered is whether CIC was required to take any action on the complaints filed by the petitioner. In this

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regard, CIC had come to the conclusion that the delay in providing information was not deliberate and there was no *malafide* attributable to the respondent.

10. This Court finds no infirmity with the aforesaid view.

11. The petitions are, accordingly, dismissed. The pending applications are also disposed of.



VIBHU BAKHRU, J

SEPTEMBER 05, 2018

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