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

+ **W.P.(C) 7031/2018**

CPIO & REGIONAL PF COMMISSIONER-II
(VIGILANCE)

..... Petitioner

Through Mr Keshav Mohan, Mr Piyush
Choudhary, Mr Kabir Ghosh, Advocates.

versus

THE CPIO & ANR

..... Respondents

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **09.07.2018**

CM 26639/2018

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 7031/2018 and CM 26638/2018

3. The petitioner has filed the present petition impugning an order dated 17.05.2018 passed by the Central Information Commission (CIC) whereby the appeal preferred by the respondent no.2 against an order dated 20.10.2017 passed by the First Appellate Authority was allowed.
4. By the impugned order, the CIC has directed the petitioner to disclose the information as sought by respondent no.2 and has further called upon the petitioner to show cause as to why the maximum penalty should not be imposed for illegally denying the information as sought by respondent no.2.

5. The learned counsel appearing for the petitioner submits that there was no *mala fide* on the part of the petitioner in rejecting the respondent's request for information. He submits that since respondent no.2 had sought for information pertaining to the inquiry being held against certain officers, the petitioner was of the view that the said information was exempt from disclosure under Sections 8(1)(g) and 8(1)(j) of the Right to Information Act, 2005. He undertakes on behalf of the petitioner that the petitioner would comply with the orders of CIC and provide all information as sought by respondent no.2 within a period of two weeks from today if not already done.

6. In view of the aforesaid averments and the specific undertaking given by the learned counsel for the petitioner, this Court is of the view that it would not be apposite to continue with any penalty proceedings against the petitioner. Accordingly, the impugned direction in the impugned order calling upon the petitioner to show cause as to why penalty not be imposed is set aside.

7. The learned counsel appearing for the petitioner further submits that some observations made by CIC against a public authority are also unwarranted. In this regard, he has drawn the attention of this Court to paragraph 2 of the impugned order whereby CIC has observed that the public authority has attempted to lodge a false FIR against the appellant. He submits that no such attempt had been made by the public authority and if any FIR was filed, it was by individuals and not the Public Authority (Employees Provident Fund Organization). Therefore, the Public Authority cannot be held responsible for any such actions.

8. The above contention is merited and the said observation is expunged from the impugned order.
9. The petition is disposed of in the above terms.
10. Order *dasti* under the signature of Court Master.

VIBHU BAKHRU, J

JULY 09, 2018

pkv