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

+ W.P.(C) 13257/2018, CM APPL No. 51572-51573/2018

UNION OF INDIA Petitioner

Through Ms. Amit Mahajan, CGSC with Mr.
Dhruv Pande, Adv. for UOI

versus

CENTRAL INFORMATION COMMISSION AND ANR.

..... Respondents

Through None

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

% **07.12.2018**

Vide the present petition, the petitioner has challenged the order dated 09.10.2018 passed by CIC, whereby the petitioners are directed to provide the desired information to the respondents, within a period of 15 days from the receipt of the order.

Learned counsel appearing on behalf of the petitioner submits that the petitioner/Department is exempted as per Section 24(1) of the RTI Act, 2005, therefore, the order of the CIC is illegal and contradictory to the provisions of the Act mentioned above.

Section 24 of the RTI Act, 2005 is reproduced here under:

“24. Act not to apply to certain organizations.—

(1) Nothing contained in this Act shall apply to the intelligence and security organisations specified in the

Second Schedule, being organisations established by the Central Government or any information furnished by such organisations to that Government: Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section: Provided further that in the case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided after the approval of the Central Information Commission, and notwithstanding anything contained in Section 7, such information shall be provided within forty-five days from the date of the receipt of request.

(2) The Central Government may, by notification in the Official Gazette, amend the Schedule by including therein any other intelligence or security organisation established by that Government or omitting therefrom any organisation already specified therein and on the publication of such notification, such organisation shall be deemed to be included in or, as the case may be, omitted from the Schedule.

(3) Every notification issued under sub-section (2) shall be laid before each House of Parliament.

(4) Nothing contained in this Act shall apply to such intelligence and security organisations, being organisations established by the State Government, as that Government may, from time to time, by notification in the Official Gazette, specify: Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section: Provided further that in the case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided after the approval of the State Information Commission and, notwithstanding anything contained in Section 7, such information shall be provided within

forty-five days from the date of the receipt of request.

(5) Every notification issued under sub-section (4) shall be laid before the State Legislature.”

The purpose of the Section 24 of the RTI Act, 2005 is to keep away the organization, which are dealing with the Intelligence, Secrecy and Security. The information regarding thereto cannot be given.

In the present case, the respondent is an employee of the petitioner and sought information as under:

“(1) Copies of all the seniority list in respect of LDCs for the period of 1991 till date.

(2) Copies of the proposal for promotion of LDCs placed before the DPC together with copies of the Minutes of the Meetings and copies of the promotion orders issued on the recommendations of the DPC from time to time.”

Since the respondent was facing prejudices regarding the seniority, therefore, he sought information mentioned above, which information neither hamper with the Intelligence nor Security nor Secrecy of the petitioner organization. Though the petitioner organization is kept away from RTI Act, but that is not regarding the information to its employee, if any of his rights have been denied.

The information sought by the respondent from the petitioner does not come under the Section 24 of the Act.

Accordingly, I find no illegality or perversity in the order of the CIC dated 09.10.2018.

The present petition is dismissed accordingly.

At this stage, counsel for the petitioner seeks time to comply the order of the CIC within 15 days.

The prayer is allowed and the petitioner is directed to provide the information as per the impugned order dated 09.10.2018 within 15 days from today.

Dasti.

SURESH KUMAR KAIT, J

DECEMBER 07, 2018

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