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

+ W.P.(C) 481/2018

DR SYED AHMED

..... Petitioner

Through: Mr T. D. Yadav, Advocate.

versus

THE DIRECTOR (E-1) & ORS

..... Respondents

Through: Mr Prasanta Varma, Senior Central  
Govt. Counsel with Ms S. Goswami  
and Mr Somraj Gangopadhyay, GP for  
respondent.

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**

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**19.01.2018**

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

“(a) To set aside and quash the impugned order dt. 15.7.2015, 24.8.2015, 23.9.2015 and Order First Appeal under RTI dt. Nil October 2015 [Annexure P-1 (Colly)]

(b) To set aside and quash the impugned order dt. 31.5.2017 passed by CIC and Order dt. 25.8.2017 passed by CPIO M/o AYUSH (Annexure P-1 (Colly))”

2. The petitioner claims that on 26.12.1986 he was appointed, with effect from 01.01.1987, as a Medical Officer (Unani) on a monthly wage basis. He was taken over on the strength of CGHS Delhi on adhoc basis on 28.06.1989, *albeit*, with effect from 01.01.1987. He was issued a

regularisation order dated 01.01.2001 regularising him with effect from 19.01.2000. He is, essentially, aggrieved by being regularised in service with effect from 19.01.2000 instead of 01.01.1987. The petitioner claims that this has been done on the basis of OM dated 01.07.1991 issued by the Department of Personnel and Training (DoPT) which, according to him, is not applicable.

3. The petitioner had filed an application dated 13.07.2015 under the provisions of the Right to Information Act, 2005 (hereafter 'the Act'). It is apparent from the plain reading of the said application that it is argumentative and seeks to articulate the grievance of the petitioner rather than seek any specific information as required by him.

4. The petitioner received a response dated 15.07.2015 from the CPIO indicating that the petitioner's application had been transferred to the Ministry of AYUSH under Section 6(3) of the Act. The CPIO also submitted further responses, however, the petitioner was not satisfied by the same and preferred an appeal before the First Appellate Authority (hereafter 'the FAA').

5. It is seen that the appeal preferred by the petitioner is also in the nature of representation and it is difficult to ascertain the exact information sought by the petitioner. The FAA rejected the appeal by an order passed in October, 2015, *inter alia*, stating that no material information specific to the queries/request was available with the concerned CPIO. The FAA further stated that the CPIO is not required to provide any advice or opinion to the applicant.

6. Aggrieved by the order of the FAA, the petitioner preferred a Second

Appeal under Section 19(3) of the Act before the CIC.

7. In its impugned order, the CIC had noted that the petitioner wanted information/clarifications from Department of Personnel and Training (DoPT) with regard to OM dated 01.07.1991 on the basis of which the Ministry of Health had regularized the petitioner's appointment w.e.f. 19.01.2000 instead of 01.01.1987. The CIC further noted that the DoPT follows a single file system where a proposal on the policies issued from various Ministries/Departments are processed and returned to the concerned Ministry/Department and, therefore, no material information was available with the DoPT. In this view, the CIC upheld the decision of the FAA. However, the CIC directed that if the petitioner makes a representation to the Ministry of AYUSH seeking specific clarifications, the same would be forwarded for clarification/advice from the DoPT and that information when received, would be informed to the petitioner.

8. This Court finds no infirmity with the decision of the CIC. The petition is, accordingly, dismissed.

9. Needless to mention that this does not preclude the petitioner from agitating his grievance regarding his regularization in accordance with law.

**VIBHU BAKHRU, J**

**JANUARY 19, 2018**  
**MK**