

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
104/105**

DATE OF DECISION: JULY 22, 2019

(1) CIVIL WRIT PETITION NO.7413 OF 2019

Oriental Bank of Commerce, Gurgaon

.....Petitioner

VERSUS

The Central Information Commission, New Delhi and another

....Respondents

(2) CIVIL WRIT PETITION NO.7854 OF 2019

Oriental Bank of Commerce, Gurgaon

.....Petitioner

VERSUS

The Central Information Commission, New Delhi and another

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Anil K. Ahuja, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Vide this order, I propose to decide Civil Writ Petition Nos.7413 and 7854 of 2019 (Oriental Bank of Commerce, Gurgaon Vs. Central Information Commission and another), wherein two separate orders of even date i.e. 05.12.2018 (Annexure P-7 in both the writ petitions) passed by the Central Information Commission have been challenged, vide which

the petitioner has been directed to supply information to respondent No.2 on the different points in the applications preferred by the respondent as mentioned in the impugned orders.

The basic contention of learned counsel for the petitioner is that respondent No.2 is an employee of the petitioner-Bank against whom, disciplinary proceedings were initiated against him, resulting in his services being terminated, which order of termination having been set-aside by this Court, the said respondent stands reinstated in service. Out of vengeance and with an intention to harass and take revenge by creating problems for the working of the Bank, he has been moving applications after applications for supplying irrelevant information. This, despite he being aware that informations, which were very old, could not be supplied to him for the reason that as per the policy of the petitioner Bank the said records stood weeded, still about 250 applications and 250 complaints have been filed against the petitioner-Bank. He contends that Central Information Commission, vide order dated 07.02.2017, dismissed the appeals preferred by him by holding that no information should be supplied to him. He also asserts that while passing the order of denying him the information, reference has been made to the judgment passed by the Hon'ble Supreme Court in the case of Central Board of Secondary Education and another Vs. Aditya Bandopadhyay and others, 2001 (8) SCC 497. He contends that despite an earlier order denying information to respondent No.2 being passed by the same authority, vide subsequent impugned order, the information now sought by respondent No.2 has been ordered to be supplied to him. He submits that this is in continuation with the earlier harassment caused to the petitioner-Bank by moving multiple applications for supplying

information under the Right to Information Act. Counsel, while referring to Civil Writ Petition No.7854 of 2019, asserts that the information, which has been sought for by respondent No.2, stood already supplied vide communications dated 25.11.2013 and 30.08.2015. He, thus, prays that the impugned orders dated 05.12.2019 (Annexure P-7) in both the writ petition deserve to be set-aside.

Learned counsel for the petitioner has referred to letter dated 25.01.2019 (Annexure P-8) in Civil Writ Petition No.7413 of 2019 to submit that some of the information, as sought by respondent No.2, has been supplied to him as per the impugned order passed by the Central Information Commission.

I have considered the submissions made by learned counsel for the petitioner and with his assistance have gone through the impugned order but do not find myself in agreement with the said assertions.

It may be that the earlier information, which was sought for by respondent No.2 by filing around 250 applications under the Right to Information Act, was with a vengeance but the present applications, which are the subject matter of these two writ petitions cannot be said to be in continuation thereof and in any case inspite of an earlier order dated 07.02.2017 having been passed by the Central Information Commission, the same authority has proceeded to pass this subsequent order dated 05.12.2018 (Annexure P-7 in both the writ petitions). The information as has been sought for by respondent No.2 cannot be said to be such which would fall under the provisions of Section 8(1)(d) and 8(1)(j) of the Right to Information Act, which would entitle the petitioner-Bank to deny the information being exempted, as has been held by the Central Information

Commission. This Court is in agreement with the orders impugned.

Therefore, both the writ petitions, being devoid of merit, stand dismissed.

July 22, 2019
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(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No