

**113 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-2375-2020

Date of decision: 29.1.2020

Dharmendra Kumar

.....Petitioner.

vs.

Canara Bank and another

.....Respondents.

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Petitioner in person.

.....

Sanjay Kumar, J. (ORAL)

Prayer of the petitioner, who is appearing as a party in-person, reads as under: -

'Civil Writ Petition under Articles 226/227 of the Constitution of India with a prayer that this Hon'ble Court may be pleased to issue a writ in the nature of Mandamus directing the Respondents to disclose the criteria of selection of officers for promotion from Scale III (Sr. Manager) to Scale IV (Chief Manager) in the year 2018-2019, as sought by the petitioner under RTI Act 2005 vide Annexure P-5 dated 2.4.2019 and thereafter in Appeal Annexure P-7 dated 30.4.2019.

And further quashing the reply given by Respondents to his RTI Application and Appeal vide Annexures P-6 dated 15.4.2019 and P-8 dated 23.5.2019 respectively and departmental appeal Annexure P-14, dated 23.7.2019 all being non-speaking and evasive reply and further directing the Respondents to furnish the details of results of the selected candidates vis-a-vis of Petitioner, so that the Petitioner also gets an equal opportunity and equality in selection as Scale IV officer.

Further, a Writ of Prohibition be issued prohibiting the Respondents from conducting promotion from Scale III to Scale IV for the fresh posts floated/sanctioned in the year 2020 (Eligibility as on 01.04.2020) under the same Memo 69/2018 dated 13.12.2018 and Memo 70/2019 dated 07.11.2019 and Memo 77/2019 dated 7.12.2019 until and unless the criteria adopted for selection to posts of Scale IV is not disclosed as per RTI application dated 02.04.2019 at annexure P-5 during pendency of this Writ.'

The record reflects that the petitioner applied to the Canara Bank for certain information under the Right to Information Act 2005 (for short 'the Act 2005'), on 2.4.2019 and the Bank responded, *vide* letter dated 15.4.2019, setting out certain details. Not satisfied therewith, the petitioner filed a first appeal under the provisions of the Act, 2005. The said appeal was disposed of by the first Appellate Authority, *vide* order dated 23.5.2019.

Still dissatisfied, the petitioner approached the Central Information Commission by way of a second appeal. Admittedly, the said second appeal is still pending consideration. It is the case of the petitioner/party in-person that despite reminders being addressed by him, the second Appellate Authority did not take appropriate action upon his appeal. This being the factual situation, the petitioner/party in-person approached this Court by way of the present petition with the prayer as set out *supra*.

In the light of the pendency of the second appeal preferred by the petitioner/party in-person under the provisions of the Act, 2005, it is not open to him to now seek a direction from this Court to the Canara Bank to furnish further information. The petitioner cannot be permitted to pursue parallel remedies on the same issue. The petitioner necessarily has to take steps in relation to his pending second appeal. The prayer of the petitioner, as framed, therefore cannot be countenanced. The writ petition is devoid of merit and is accordingly dismissed in limine on this short ground.

No order as to costs.

(SANJAY KUMAR)
JUDGE

29.1.2020