

D/L. 9.
December 21, 2023.
MNS.

WPA No. 10196 of 2021

Debashis Mukherjee
Vs.
The Chief Public Information Officer
and others

Mr. Abhimunya Banerjee,
Mr. Partha Sarathi Das

... for the petitioner.

1. Affidavit-of-service filed in Court today be kept on record.
2. Despite service, none appears for the respondents at the time of call.
3. The present challenge has been preferred against an order passed by the respondent Appellate Authority in connection with a complaint lodged by the petitioner under Section 18 of the Right to Information Act, 2005 (RTI Act).
4. The petitioner complains that the petitioner sought for specific documents in connection with a vigilance proceeding. However, the First Authority gave information which is totally irrelevant to the issue. As such, the petitioner lodged the present complaint, which has been turned down by the respondent no. 3 on

grounds which are alien to the original information sought by the petitioner.

5. A perusal of the Online RTI Request annexed at page 15 of the writ petition shows that the same comprises more of rants and allegations regarding the vigilance proceeding and less of information sought by the petitioner.
6. Embedded somewhere inside such allegations is a statement of the petitioner that he needs a copy of the CVC Memorandum No. 1733 BNK 21 dated September 16, 2019.
7. Thus, there was sufficient scope of confusion in the application for information sought by the petitioner before the first authority in the first place.
8. Subsequently, when the matter went up before the respondent no. 3, the petitioner in his complaint under Section 18 of the RTI Act, 2005, annexed at page 27 of the writ petition, was all the more vague and ventilated his grievances otherwise regarding the vigilance proceeding. Although the petitioner may have a good case regarding inaction on the part of the appropriate authorities in connection with the vigilance proceeding initiated on the petitioner's complaint, the same cannot be the

subject matter of an application under the RTI Act or an application under Section 18 of the RTI Act, 2005 emanating therefrom.

9. Thus, I do not find any illegality on principle in the order of the respondent no. 3, which observed that the allegations of the petitioner had to be ventilated elsewhere.

10. Be that as it may, the petitioner, indeed, has the right to seek any information / document by making specifically pin-pointed his application specifying the exact information and / or document sought by the petitioner under the appropriate format envisaged under the RTI Act, 2005.

11. The petitioner has also alleged that the facts were inverted while narrating the impugned order by the respondent no. 3, inasmuch as the authorities proceeded on the premise that the allegations in the complaint were made against the petitioner, whereas the petitioner was actually the complainant.

12. However, such findings shall not be binding on the parties in any future matter and have to be deemed as tentative only for the purpose of the adjudication by the respondent no. 3.

13. Hence, WPA No. 10196 of 2021 is disposed of without interfering with the impugned order, but granting liberty to the petitioner to make a proper application, specifically indicating the exact information / document sought by the petitioner without filling up the said application with unnecessary extraneous allegations.

14. If such an application in appropriate format is filed by the petitioner within a fortnight from date, the first authority shall deal with the same in due process of law in accordance with the RTI Act, 2005 and shall dispose of the same as expeditiously as possible, positively within one month thereafter.

15. Nothing in this order or the orders impugned herein shall be an impediment to the respondent authorities giving appropriate information / document as sought for under the RTI Act, 2005, if the petitioner is so entitled in law.

16. There will be no order as to costs.

17. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)