



2023 : DMC : 2045-20



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

+ **LPA 764/2023 & CM APPL. 60986-60987/2023**

NARENDRA TYAGI

..... Appellant

Through: **Ms. Nandini Sharma, Advocate**

versus

ASSISTANT DIRECTOR (CPIO)

..... Respondent

Through: **None.**

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Date of Decision: 06th December, 2023

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MINI PUSHKARNA

J U D G M E N T

1. The present appeal has been filed challenging the judgment dated 22nd September, 2023 passed by the learned Single Judge in *W.P.(C) 2942/2019*, thereby dismissing the writ petition filed on behalf of the appellant herein filed against the order dated 24th October, 2018 passed by the Central Information Commission (“CIC”) under the Right to Information Act, 2005 (“RTI Act”).

2. The appellant had filed an application dated 19th July, 2017 under the RTI Act seeking his service record from the respondent/National Book Trust. It is the case of the appellant that the respondent, being the Central Public Information Officer (“CPIO”) knowingly provided incomplete information to the appellant under the RTI Act vide letter dated 4th August, 2017. It is submitted that the respondent has wrongly informed that the appellant is working in the National Book Trust since 15th December, 2008,



whereas, he is working in the National Book Trust since 2001.

3. Against the letter dated 4th August, 2017 issued by the CPIO, the appellant filed an appeal, which was dismissed by the First Appellate Authority vide order dated 18th September, 2017. The appeal filed by the appellant before the CIC was also dismissed vide order dated 24th October, 2018, against which a writ petition being *W.P.(C) 2942/2019* was filed by the appellant. Upon dismissal of the said writ petition by the learned Single Judge vide the impugned order dated 22nd September, 2023, the present appeal has been filed.

4. On behalf of the appellant, it is contended that the CPIO has knowingly given incorrect and incomplete information to the appellant. It is submitted that the Right to Information is incorporated as a fundamental right under Article 19(1) of the Constitution of India and therefore, no other alternative remedy is available to the appellant for enforcement of his fundamental rights. It is pointed out that as per Section 23 of the RTI Act, no Court shall entertain any suit, application or other proceeding in respect of any order made under this Act.

5. Having heard the learned counsel for the appellant and having perused the record, this Court notes that the appellant vide his RTI application dated 19th July, 2017 sought information on eight points in respect of National Book Trust, India; the date since he was employed with the National Book Trust; copy of registration of four agencies as mentioned in the RTI application; whether the post of Artist in the National Book Trust was permanent or contractual; number of staff in the Establishment Department at the time and other issues related thereto.

6. The CPIO, vide his reply dated 4th August, 2017, provided a point-



wise information to the appellant. Dissatisfied with the CPIO's response, the appellant approached the First Appellate Authority.

7. The First Appellate Authority, vide its order dated 18th September, 2017 upheld the response of the CPIO.

8. Aggrieved by the said order, the appellant filed an appeal before the CIC, which rejected the same by a detailed order dated 24th October, 2018.

9. The main dispute raised by the appellant is that wrong information has been provided to him by the CPIO in response to his RTI application. The learned Single Judge after considering the facts and circumstances of the present case categorically held that the proceedings under the RTI Act cannot be converted into proceedings for adjudication of disputes as to the correctness of the information supplied. Thus, the learned Single Judge held as follows:

“XXX XXX XXX

3. The short question which, therefore, arises for consideration is as to whether the forums under the RTI Act can adjudicate disputes raised by a person seeking information under the RTI Act regarding the correctness of the information supplied ?

4. This issue is no longer res integra and is covered by the judgment of the Division Bench of this Court in Hansi Rawat & Anr. v. Punjab National Bank & Ors., 2013 SCC OnLine Del 168, wherein this Court has passed the following order:

“1. This intra-court appeal impugns the order dated 15.10.2012 of the learned Single Judge of dismissal of W.P.(C) No. 6556/2012 preferred by the appellants. The said writ petition was preferred challenging the order dated 30.08.2012 of the Central Information Commission (CIC) dismissing the Second Appeal preferred by the appellants against the order dated 21.05.2011 of the First Appellate Authority. The First Appellate Authority had dismissed the appeal preferred by the appellants against the information dated 18.03.2011 provided by the Public Information Officer (PIO) of the respondent Bank in response to the application dated 19.02.2011 of the appellants under the provisions of the Right to Information Act (RTI), 2005.

2. The First Appellate Authority in its order dated 21.05.2011 held



that though information sought by the appellants had been provided to the appellants, the grievance of the appellants was that the information supplied was misleading and wrong. The First Appellate Authority held that information in possession of the respondent Bank had already been provided and no opinion as sought in the application could be provided. The First Appellate Authority also did not find any discrepancy in the information provided.

3. The CIC in its order noted, that the appellant No. 2 had been removed from service of the respondent Bank; that the appellants had sought information on 39 points; that the grievance of the appellants was that misleading and vague information had been provided on the points raised in the RTI application; that the appellants had filed 50 to 60 RTI applications in their names, separately, together as well as in the names of their friends and also through some advocates, on the same subject and on the same questions; that the appellants are misusing the RTI Act needlessly. The CIC further, on examination of the record did not find any reason to interfere with the decision of the PIO and the First Appellate Authority of the respondent Bank.

4. Before the learned Single Judge also, the contention of the appellants was that the information given is not correct. The learned Single Judge went through the RTI application of the appellants and the response thereto and found that the information sought had already been furnished. The learned Single Judge has further observed that the only obligation of the respondent Bank, from which information had been sought, under the RTI Act, was to give information available and no further and the said obligation had been fulfilled.

5. The counsel for the appellants does not controvert the factum of a number of RTI applications having been filed by the appellants themselves or through other persons to the PIO of the respondent Bank. He has however drawn attention to the information sought at serial Nos. 11 to 14 and 26 of the RTI application and the response thereto and on the basis thereof has contended that information has not been provided and/or the information provided is incorrect.

*6. The proceedings under the RTI Act do not entail detailed adjudication of the said aspects. The dispute relating to dismissal of the appellant No. 2 from the employment of the respondent Bank is admittedly pending consideration before the appropriate fora. The purport of the RTI Act is to enable the appellants to effectively pursue the said dispute. The question, as to what inference if any is to be drawn from the response of the PIO of the respondent Bank to the RTI application of the appellants, is to be drawn in the said proceedings and as aforesaid **the proceedings under the RTI Act cannot be converted into proceedings for adjudication of disputes as to the correctness of the information furnished.** Moreover, there is a categorical finding of the CIC, of the appellants misusing the RTI Act, as is also evident from the plethora of RTI applications filed by the*



appellants. In view of the said factual findings of the CIC and which is not interfered by the learned Single Judge, we are not inclined to interfere with the order of the learned Single Judge.

7. We do not find any merit in the appeal which is dismissed. No order as to costs.”

(emphasis supplied)

5. In view of the above, the CIC cannot adjudicate upon the disputes regarding questions raised by an RTI Applicant. This Court, therefore, does not find any reason to interfere with the Order of the CIC.

XXX XXX XXX”

10. At this stage reference may be made to the definition of information under Section 2(f) of the RTI Act, which is reproduced below:

“2. Definition.-.....

.....

(f) “information” means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;

XXX XXX XXX”

11. Perusal of the aforesaid definition clearly shows that information to be provided under the RTI Act includes various records, documents, circulars etc. which can be accessed by the “Public Authority” under any other law for the time being in force. Thus, the responsibility of the CPIO is discharged under the RTI Act upon providing all such information and documents that may be accessible to him.

12. Holding that under the RTI Act, an applicant is entitled to get only such information which can be accessed by the “Public Authority”, which is already in existence and accessible to the “Public Authority” under law, the Supreme Court in the case of ***Khanapuram Gandaiah versus***



Administrative Officers and Others¹, held as follows:

“XXX XXX XXX

10. Under the RTI Act “information” is defined under Section 2(f) which provides:

“2. (f) ‘information’ means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;”

This definition shows that an applicant under Section 6 of the RTI Act can get any information which is already in existence and accessible to the public authority under law. Of course, under the RTI Act an applicant is entitled to get copy of the opinions, advices, circulars, orders, etc. but he cannot ask for any information as to why such opinions, advices, circulars, orders, etc. have been passed, especially in matters pertaining to judicial decisions.

11.....

12. Moreover, in the instant case, the petitioner submitted his application under Section 6 of the RTI Act before the Administrative Officer-cum-Assistant State Public Information Officer seeking information in respect of the questions raised in his application. However, the Public Information Officer is not supposed to have any material which is not before him; or any information he could (sic not) have obtained under law. Under Section 6 of the RTI Act, an applicant is entitled to get only such information which can be accessed by the “public authority” under any other law for the time being in force. The answers sought by the petitioner in the application could not have been with the public authority nor could he have had access to this information and Respondent 4 was not obliged to give any reasons as to why he had taken such a decision in the matter which was before him.

XXX XXX XXX”

13. Consequently, it is clear that dispute as regards the correctness of information provided under the RTI Act, or any other dispute or

¹ (2010) 2 SCC 1



2023 : DMC : 2045-20



controversy, cannot be adjudicated in proceedings under the RTI Act. The CPIO is only required to supply all the information/documents within his access. Whether or not such information as provided by the CPIO under the RTI Act is incorrect in any manner, is not the domain of consideration or determination under the RTI proceedings.

14. In view of the aforesaid discussion, this Court finds no merit in the present appeal. The same is accordingly dismissed, along with applications.

ACTING CHIEF JUSTICE

MINI PUSHKARNA, J

DECEMBER 6, 2023

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