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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
*Date of Decision: 21<sup>st</sup> March, 2023*

+ **W.P.(C) 664/2019**

**BIND KISHORE**

..... Petitioner

Through: Mr. Subhash Chandra Sagar,  
 Advocate [M- 9868864644]

versus

**CENTRAL INFORMATION COMMISSION  
 AND ORS.**

..... Respondents

Through: Mr. Abhishek Gola and Mr. Anshul  
 Mehral, Advocates for R-2. [M:  
 8860409588]

**CORAM:  
 JUSTICE PRATHIBA M. SINGH**

**Prathiba M. Singh, J. (Oral)**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner-Bind Kishore, who was duly appointed as a Development Officer of the United India Insurance Company Ltd. in the year 1968. He was promoted from time to time. The Petitioner had been subjected to certain disciplinary proceedings and the findings of the said disciplinary proceedings were the subject matter of challenge before the High court of Allahabad in **W.P.(C) 2235/2003** titled '**Bind Kishore v. UOI & Ors.**'. The said writ petition was allowed on 24th May, 2006 with the following observations:

*"In the result, the writ petition is allowed. The impugned order dated 16.12.2002, 03.01.2001 and 26.06.2000 i.e. Annexure No. 1, 2 and 3 to the writ petition holding the petitioner guilty and awarding him punishment, rejecting his appeal and memorial are hereby quashed and shall not be given effect to by the opposite parties. The petitioner is hereby declared entitled to all service benefits and the respondents are*

*directed to restore within a month from today all his service benefits and to consider him for consequential benefits, the promotions for which he was not considered on account of the aforesaid departmental proceedings and punishment. On such consideration if he is found to be entitled to any promotion it shall be given to him with effect from the date on which it became due.”*

3. Thereafter, the Petitioner raised the grievance of not being promoted to the post of Deputy Manager. Since he was not given the details of the reasons as to why he was not promoted, he filed a RTI application on 27th March, 2017 seeking the following information:

*“Dear Sir,  
I submit my application for the following information, required under RTI Act 2005.  
Please send me the copy of my Confidential Reports for the year 1997-98 to 2003-04.  
Please provide me the copy of recommendations sent by Regional Office Bhopal, for the release of my stagnation increment in the year 1999-2000 and 2000-01 and the action take over it, by Head Office, Chennai.  
The merit list, with marks of the officers of the year 1998-99 to 2003-04 considered for the promotion of Assistant Manager to Deputy Manager.  
I am enclosing herewith the Postal order of Rs as prescribed fee.”*

4. In his application the Petitioner sought his Confidential Reports as also the recommendations and merit list relating to promotion. The Central Public Information Officer (‘CPIO’) replied to the said application vide letter dated 3<sup>rd</sup> May 2017. The said reply is set out below:

*“We refer to your RTI application dated 27/03/2017, received by us on 03/04/2017 along with applicable fee*

*and are enclosing our Receipt for the same. You have sought information with regard to Confidential Reports from 1997-98 to 2003-04, Stagnation Increment in the year 1999-2000 and 2000-01 and merit list with marks for officers (AM to DM) during the period 1998-99 to 2003-04.*

*We referred the information sought to the concerned Department and on the basis of their reply, we respond to you as under:*

*QUERY NO. 1 : Regarding copy of CR for the year 1997-98 to 2003-04, we would like to inform that Hon'ble Court of Madras vide its order dated 16/08/2013 in WP No 22500/2013 has stayed the order dated 17/07/2013 of the Hon'ble Central Information Commission in the complaint No CIC/DS/C/2013/000194 wherein the CIC has directed to provide the appellant, the attested copy of his own APARs. In view of the above stay order, we inform that the issue of providing the copy of APAR is sub-judice.*

*QUERY NO. 2 : The information sought is not available.*

*QUERY NO. 3 : As the information called for relates to personal information, the disclosure of which has no relationship to any public activity or interest, we claim exception under section 8 (1) (j) of RTI Act, 2005.*

*This is in disposal your application.*

*Your right of appeal lies with Smt. P. Hemamalni, Appellate Authority, United India Insurance Co. Ltd, Regd. & Head Office, 24 whites Road, Chennai-600014, within 30 days."*

The Petitioner was aggrieved and challenged the CPIO's reply before the appellate authority which concurred with the CPIO's decision and disposed the appeal vide order dated 19<sup>th</sup> May 2017. A second appeal was filed before the Chief Information Commissioner (*hereinafter 'CIC'*) which vide decision dated 6th September, 2018 directed that a copy of the judgement of

the High Court of Madras in respect of point no. 1 of the RTI applications shall be provided within a period of 15 days. The Petitioner is aggrieved by the said order and has, thus, approached this Court.

5. Vide order dated 29th July, 2019 notice was issued in this petition and on 15th November, 2022, the following order was passed, the operative portion of which reads as-

*“3. The petitioner is thereafter stated to have raised the issue of his promotion to the post of Deputy Manager. Since requisite details were not provided to the petitioner, he also invoked the provisions of the Right to Information Act, 2005 [2005 Act]. While responding to the application that was made under the 2005 Act, the respondents asserted that the petitioner could not be promoted to the post of Deputy Manager, since he had secured marks lesser than those obtained by the last selected candidate*

*5. The Court notes that the sole issue which now appears to survive is with respect to the promotional exercise which was initiated by the respondent for the purposes of filling up vacancies in the cadre of Deputy Manager. Learned Counsel for the petitioner contends that he would be satisfied if requisite disclosures are made with respect to the marks obtained by the last selected candidate as well as the marks which were awarded to the petitioner here.*

*6. Mr. Gola, learned counsel appearing for the respondents, submits that he would require some time to obtain instructions and to ascertain whether the records pertaining to that promotional year are still retained or not.”*

6. As is evident from the operative portion of the above order, the only issue which survives is in respect of the disclosure of the marks awarded to the Petitioner in the process of promotion for which his candidature was

considered. On the said issue an affidavit has been filed by the United India Insurance Company Ltd. giving the details of the marks of the last selected candidates as well as the Petitioner's marks. The Court has perused the same. From the perusal of the marks it is clear that the Petitioner's marks were lower than the marks of the last selected candidates.

7. A physical copy of the affidavit be also again supplied to the Petitioner as the electronic copy is stated to have been garbled. However, the affidavit has been shown to the counsel for the Petitioner during the course of the hearing.

8. In view of the fact that the Petitioner had agreed as recorded in the last order that he would be satisfied if the marks were disclosed, this had clearly restricted the scope of this writ petition only to the disclosure of the marks. The marks having now been disclosed, no further relief is liable to be granted in this petition.

9. The present petition, along with all pending applications, is disposed of, in these terms.

**PRATHIBA M. SINGH**  
**JUDGE**

**MARCH 21, 2023**  
*dj/rp*