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W.P. No.22500 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P. No.22500 of 2013

and

M.P. No.1 of 2013

United India Insurance Co. Ltd.,
Rep. By its Deputy General Manager,
24, Whites Road, Chennai-600 014.

... Petitioner

Vs.

1.Sanjay Kumar Khare,
Manager,
United India Insurance Co. Ltd.,
Regional Office, 2nd Block,
2nd Floor, Paryawas Bhawan,
Arera Hills, Jail Road, Bhopal-11.

2.Central Information Commission,
Room No.307, II Floor,
B Wing, August Kranti Bhawan,
Bhikaji Cama Place,
New Delhi-110 066.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorari calling for the records of the 2nd Respondent the Central Information Commission in the appeal in Complaint No.CIC/DS/C/2013/000194 dated 17.07.2013 and quash the same as illegal and invalid.

For Petitioner : Mr.T.S.Baskaran



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For Respondents : No appearance

ORDER

The instant writ petition has been filed against the order dated 17.07.2013 of the Central Information Commission (hereinafter referred to as “Commission”) wherein the Commission has directed the petitioner to provide information to the Respondent. Assailing the same order, the present writ petition has been filed.

2. The 1st Respondent has sought for information with the petitioner in respect of the examination conducted during 2009, and has also sought for information in respect of 11 questions. This was not responded by the petitioner, hence, the Commission by its order dated 09.12.2010 directed the petitioner to furnish the information as prayed for. In the earlier round of litigation in W.P.No.4939 of 2011, the order of the Commission was stayed, and again vide application dated 06.06.2010, he sought for further information and vide order dated 29.10.2012, the Commission directed the petitioner to provide information. The information sought for by the Respondent was only in respect of his Annual Confidential Report (ACR).



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3. It is pertinent to mention here that as per the judgment of the Hon'ble Supreme Court in the case of ***Sukdev Singh vs. Union of India reported in (2013) 6 Scale 490***, the entries in ACR to be communicated, but it is the contention of the learned counsel for the petitioner that apart from ACR entry there was a direction to furnish the actual remarks made by the members of the CPC limited with their name and detail.

4. The learned counsel for the Respondents would submit that if the remarks are provided then the same would affect the institutional harmony and would affect the smooth functioning of the institution. Hence, the learned counsel prayed to allow this writ petition.

5. The learned counsel for the petitioner would further submit that though there were nine directions there was no grievance in respect of six directions, and they have objection only to provide the following information:

“7. The overall marks with the breakup of the marks for seniority, CR and Written test scored by each of the candidate considered under Para 14.2 of the Promotion policy.

8. Details/ records of entries/ comments given by the authorities/ management in Appellant's Appraisal Reports.

9. Copy of the Office Order constituting the promotion committee for the Middle Management (for promotion to Scale III to Scale IV), the date of their meeting of the Middle Management Committee along with the remarks.”



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6. The information sought for by the petitioner which was subsequently directed by the Information Commission are only pertains to the assessment of the individual. It is relevant to refer that these assessments would play a crucial role while assessing the petitioner's promotional avenue. Therefore, the person who has got a fundamental right to be considered for promotion, must have every right to know what are all the records which are adverse to him and in which area he has to improve to keep his promotional prospect bright. Further the above information will in no way breach the privacy of any third parties. Therefore, I do not find any infirmity in the order of the Commission.

7. Hence, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

12.09.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
mka

To:
1.The Manager,
United India Insurance Co. Ltd.,
Regional Office, 2nd Block,
2nd Floor, Paryawas Bhawan,
Arera Hills, Jail Road, Bhopal-11.



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2. Central Information Commission,
Room No.307, II Floor,
B Wing, August Kranti Bhawan,
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C.KUMARAPPAN, J.

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