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

+ **W.P.(C) 2148/2020 & CM APPL. 7574/2020**

MOHIT LILA

.....Petitioner

Through: Mr. Rajeev Chhetri, Ms. Meenakshi
Pawal and Mr. Rajesh Chhetri,
Advocates.

versus

THE UNION OF INDIA & ORS

.....Respondents

Through: Mr. Virender Pratap Singh Charak,
Ms. Shubhra Parashar, Mr.
Pushpender Pratap Singh, Advocates
for R-1 to 4.
Mr. Vikash Kumar Singh, Advocate
for R-5.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

11.11.2024

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1. The present petition impugns order dated 01st July, 2019,¹ whereby the Central Information Commission ("CIC") while deciding the second appeal preferred by the information seeker, disposed of the petition by issuing following directions:

"The Hon'ble Commission has sent the Decision in regard to the complaint filed with CIC by Mr. Dayanand Gupta, wherein the facts arising from the complaint are explained by CIC.

The Commission, after hearing the submissions of both the parties and after perusal of records, observed that available information has been provided to the appellant, However, there is a delay of three years in providing reply/information to the appellant on his RTI application.

¹ "Impugned order"



Commission also observed this shows very casual approach on the part of Sh. Mohit Leela and Sh. Vijay Garg, the then CPIOs towards the RTI Act.

The RTI application of the appellant was not dealt by the concerned CPIOs and kept is pending from last three years. Even no explanation was offered by Sh. Mohit Kumar; Director, Works-I regarding delay in providing information. In view of this, the Commission directed the respondents-Sh. Mohit Leela and Sh. Vijay Garg, the then CPIOs to be cautious in future and ensure that the RTI applications are dealt with due seriousness and reply/information is provided within the stipulated period of time to the appellant.

Commission Directed to the controlling officer of Sh. Mohit Leela and Sh. Vijay Garg, the then CPIOs to put these instructions of the Commission in their service records for not taking the provisions of RTI act seriously. Further, Commission directed to the Sh. Mohit Kumar, Director, Railway Board to ensure service of this order to Sh. Mohit leela and Sh. Vijay Garg the then CPIO and his controlling authority.

With the above directions, Commission has disposed the matter”

2. As can be seen from the above, the grievance of the information seeker was redressed as the information sought in the application has been provided. However, on account of delay in providing the information, CIC, had directed the controlling officer of Sh. Mohit Lila and Sh. Vijay Garg (the then CPIOs), to put the instructions of the Commission in their service record for not taking the provisions of the Right to Information Act, 2005² seriously. Petitioner’s grievance is limited to the aforementioned directions and challenges the same on the ground that the CIC does not have the jurisdiction to issue such directions.

3. Indeed, as per the framework of the RTI Act, under Section 19, the CIC has powers to require the public authority to take such steps as may be necessary to secure compliance with the provisions of the Act. These powers are indeed wide; however, they do not extend to the CIC, making an adverse entry into the service record of the CPIOs.

² “RTI Act”



4. In view of the above, the directions contained in paragraph no. 4 of the impugned order, reproduced above, is set aside. However, in light of the fact that there was a delay in providing information to the information seeker, both, Sh. Mohit Lila and Sh. Vijay Garg shall pay a penalty of INR 10,000/-.

5. With the above directions, the present petition is disposed of, along with pending application.

SANJEEV NARULA, J

NOVEMBER 11, 2024

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