



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

Date of decision: 27th MAY, 2024

IN THE MATTER OF:

+ **W.P.(C) 7380/2020**

G L SHARMA

..... Petitioner

Through: Mr. Rishabh Sancheti and Ms. Padmapriya, Advocates.

versus

CPIO, NATIONAL THERMAL POWER CORPORATION LTD,
NEW DELHI

..... Respondent

Through: Mr. Puneet Taneja, Mr. Anil Kumar,
Mr. Amit Yadav, Advocates.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

JUDGMENT

1. Aggrieved by the dismissal of the Second Appeal by the Central Information Commission (CIC) *vide* Order dated 08.06.2020 affirming the orders passed by the authorities below refusing to provide the information regarding the information sought by the Petitioner for number of persons in the Respondent organization who have been granted the benefit of the Voluntary Retirement Scheme (VRS), the Petitioner has approached this Court by filing the instant writ petition.

2. Material on record indicates that the Petitioner had filed an application under the Right to Information Act, 2003 (*in short* 'RTI Act') seeking for the following information:-

"Number of applications of Executives rejected, granted and criteria relaxed and reasons tendered by the applicant for relaxation etc. in each year from 2000



to 2005 under the Voluntary Retirement Scheme introduced by the NTPC as applicable to the Executives."

3. The facts in brief are that the Petitioner is a retired employee of the Respondent organization, who filed an application for seeking the benefit of the VRS which was present in the Respondent organization. The benefit of the Scheme was not granted to the Petitioner and the Petitioner had to resign from the office due to his deteriorating health.
4. It is stated that the denial of VRS was challenged by the Petitioner in the High Court of Himachal Pradesh by filing W.P.(C) 74/2006. The said writ petition was dismissed *vide* Judgment dated 25.06.2012 on the basis of the stand taken by the Respondent organization that no case of VRS between 2004-2005 was granted and the period of 1.5 years which the Petitioner did not qualify.
5. The said order passed by the learned Single Judge was challenged before the Division Bench in an LPA being LPA No.400/2012 which was dismissed by a Division Bench of the High Court of Himachal Pradesh.
6. The matter was taken up to the Apex Court. The Apex Court remanded the matter back to the CMD, NTPC to re-consider the matter of relaxation afresh after giving an opportunity of being heard to the Petitioner with a period of two months.
7. Accordingly, the Petitioner made one more detailed representation before the CMD, NTPC. However, the application of the Petitioner was rejected on 04.07.2017. It appears that the Petitioner has challenged this by filing a writ petition, being W.P.(C) 2512/2018, pending before this Hon'ble court. During the pendency of the proceedings before the High Court, the Petitioner approached the CPIO of the Respondent organization by filing an



RTI application seeking the following information:-

"Complete set of note-sheets approving requests of NTPC Executives for grant of voluntary retirement under the Voluntary Retirement Scheme of NTPC as stated below:-

Reference of VRS Circular No. & date:-

1. 451/2000 dt. 21.11.2000
2. IOM dt. 14.06.2001
3. 492/2002 dt. 18.06.2002
4. 508/2003 dt. 21.05.2003
5. 540/2004 dt. 01.12.2004
6. 553/2005 dt 01.04.2005"

8. The said information was denied and the matter was taken up to the CIC. The CIC rejected the Second Appeal by holding that the queries raised by the Petitioner regarding the reasons and documentations of the VRS applications are clarificatory in nature. The CIC also held that the information sought was very wide and general in nature, and required compilation of extensive records and that the CPIO could not be asked to compile such data. The CIC relied on the Judgment dated 04.12.2014 passed by this Court in The Registrar, Supreme Court of India v. Commodore Lokesh K Batra & Ors., W.P.(C) 6634/2011 wherein this Court has observed that the Act does not envision a public authority to create, collect or collate information that is not available with it and there is obligation on a public authority to process any information in order to create further information. Reliance was also made on the Judgment dated 09.08.2011 passed by the Apex Court in Central Board of Secondary Education & Anr. v. Aditya Bandopadhyay & Ors., **2011 (8) SCC 497.**

9. The Order dated 08.06.2020 passed by the CIC has been challenged



by the Petitioner by filing the instant writ petition.

10. Notice has been issued in the matter. Pleadings are complete.

11. On 04.09.2023, this Court directed the learned Counsel for the NTPC to disclose the names of persons who have taken the benefit of Voluntary Retirement Scheme available to the employees of NTPC in the year 2003, 2004 and 2005. This was done primarily because the information sought for by the Petitioner was exceedingly vague. In fact, the CPIO was well within its right to reject the application on the ground that the information sought is vague and that the CPIO at New Delhi would not have information in regard to all NTPC employees throughout the country. It is also pertinent to mention that the information sought for by the Petitioner was very general and vague in itself, as stated by the CIC, and that the information was extremely clarificatory in nature could have been a direct ground of rejection in itself.

12. In any event, in compliance of the order passed by this Court, the Respondent/NTPC has given the details of all 252 persons who had taken the benefit of Voluntary Retirement Scheme available to the employees of NTPC in the year 2003, 2004 and 2005. It is pertinent to mention that the Petitioner resigned in the year 2006 and had applied for VRS between 2001-2005.

13. The Petitioner has now filed an affidavit stating that the information given was not correct since only the names of the persons who availed the benefit of VRS have been given and the correct category of employees who were granted VRS in the year 2003, 2004 and 2005 has not been given. It is also stated by the Petitioner that the following essential details also ought to have been given, which read as under:-



"a) Reference number and Year of Scheme under which the voluntary retirement was approved with dates of approval;

b) Designation of the respective employee i.e., whether he/she was working in the Executive Grade or Non-Executive Grade;

c) Whether VRS was granted as per the eligibility criteria or through relaxation by the CMD showing details of relaxation in age and grade service etc;

d) Employee Number/Code along with the respective Project/Station;

e) Reasons considered for granting relaxation of eligibility criteria"

14. The said stand of the Petitioner cannot be accepted. The details sought for are personal information. A Writ Petition has already been filed by the Petitioner challenging the denial of VRS to him. It is pertinent to mention that in the earlier round, the High Court of Himachal Pradesh had refused to grant information to the Petitioner on the ground that the Petitioner does not fulfil the criteria laid down in the Voluntary Retirement Scheme. This Court is already examining as to whether the Voluntary Retirement Scheme would be applicable to the Petitioner and whether rejection by the competent authority after the Apex Court remanded the matter was correct. This Court is of the opinion that the personal information relating to other employees cannot be granted to the Petitioner.

15. Section 8(1)(j) of the Right to Information Act reads as under:-

"8(1)(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause



unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:

Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person. "

16. A perusal of Section 8(1)(j) of the RTI Act indicates that the CPIO is well within its right to reject the application under Section 8(1)(j) of the RTI Act. Though this Court is of the opinion that one of the reasons stated, that voluminous information cannot be granted, cannot be accepted, however, information which is vague and clarificatory in nature and which deals with personal information and information sought with regard to other employees can be refused on the ground that it is restricted under Section 8(1)(j) of the RTI Act.

17. This Court is of the opinion that the names of all the persons who have got the benefit of VRS has been given to the Petitioner. This Court can take judicial notice of the fact that offices of NTPC are all over the country and the fact that the Petitioner filed writ petition in the High Court of Himachal Pradesh means that there are several employees in Himachal Pradesh who have availed the benefit of VRS. It is for the Respondent to decide whether the Petitioner is entitled to the benefit of VRS if he falls within the four corners of the Scheme.

18. This Court is of the opinion that the order of the CIC does not warrant any interference on the ground that the information sought is vague and is primarily clarificatory in nature and it involves revealing of personal



information of other employees.

19. The writ petition is dismissed along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

MAY 27, 2024
hsk/vsk