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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**Date of decision: 01st MAY, 2024IN THE MATTER OF:+ **W.P.(C) 12548/2021**

ANIL

..... Petitioner

Through: Mr. Mohak Bhadana, Advocate.

versus

CENTRAL INFORMATION COMMISSION & ORS.

..... Respondents

Through: Ms. Archana Gaur and Ms. Ridhima Gaur, Advocates for UoI.

CORAM:**HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD****JUDGMENT (ORAL)**

1. The Petitioner has approached this Court challenging the Order dated 24.08.2021 passed by the Ld. Central Information Commission (CIC) refusing to entertain an application under Section 20 of the RTI Act, 2005 seeking compensation for delay in providing information to the Petitioner.
2. The facts, in brief, of the case reveal that the Petitioner approached the CPIO, Army by filing an application dated 31.05.2019 under the RTI Act seeking the following information:

“1. Copies of the Roll No.240285. Complete question paper and answer sheet. Written exam was held on dated 07-04-2019. Place of 1101, Railway Engineer Regiment (TA), Kalagram, Manimajra, Chandigarh.

2. What was my total marks in the Written Exam and



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what was the selection marks of merit.

3. What were my total marks of physical and written exam-please see to 124 Sikh TA.

4. How many candidates were selected in clerk trade in 124 Sikh TA.”

3. The information was provided to the Petitioner belatedly. Contending that the information has been given belatedly, the Petitioner approached the Ld. CIC for grant of compensation. The Ld. CIC *vide* the Impugned Order dated 24.08.2021 has directed the CPIO to be careful in future and has also issued a warning to the CPIO.

4. Learned Counsel appearing for the Petitioner states that though the Petitioner has ultimately been successful in getting appointment in the Territorial Army only after much effort, he is entitled to be compensated and penalty must be imposed on the CPIO.

5. This Court is of the opinion that the delay in getting appointment cannot be attributed to the delay in getting information. Section 19(8)(c) of the RTI Act gives authority to the Ld. CIC to impose penalties under Section 20 of the RTI Act. Section 20 of the RTI Act stipulates that a penalty of Rs.250/- per day subject to the maximum ceiling limit of Rs.25,000/- can be imposed in case an application under the RTI Act is not accepted malafidely or that incorrect, incomplete or misleading information is provided or that the information is provided after much delay because of malafides on the part of the concerned CPIO.

6. Section 20 of the RTI Act, 2005 reads as under:

“20. Penalties.—(1) Where the Central Information Commission or the State Information Commission, as



the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees:

Provided that the Central Public Information Officer or the State Public Information Officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him:

Provided further that the burden of proving that he acted reasonably and diligently shall be on the Central Public Information Officer or the State Public Information Officer, as the case may be.

(2) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause and persistently, failed to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading



information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall recommend for disciplinary action against the Central Public Information Officer or the State Public Information Officer, as the case may be, under the service rules applicable to him.”

7. It is not necessary that in every delay a sum of Rs.250/- per day subject to the maximum ceiling limit of Rs.25,000/- has to be imposed. This Court vide Judgment dated 30.01.2024 passed in **W.P.(C) 12189/2018** in the case of “Government of NCT of Delhi & Anr. vs. Siddharth Handa” has held has under:

“15. A reading of Section 19 of the RTI Act shows that the CIC has the power to compensate in case of undue delay in supplying the information. Section 20 of the RTI Act deals with imposition of penalty on the Central Public Information Officer or the State Public Information Officer, as the case may be, if it is found that they have, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished. The reason for awarding compensation is the monetary loss suffered by the Respondent in his delayed appointment.....”

8. Applying the aforesaid law to the facts and circumstances of the present case, this Court is of the opinion that it cannot be said that there is



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any malafide on the part of the CPIO, Army to deliberately or knowingly delay in providing information to the Petitioner. The CPIO is directed to be careful in future.

9. In view of the above, this Court does not find any reason to interfere with the Impugned Order passed by the Ld. CIC.

10. The writ petition is disposed of, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

MAY 1, 2024

S. Zakir