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

+ **W.P.(C) 10393/2024 & CM APPLs. 42712-42714/2024**

RADHA RAMAN TIWARI

.....Petitioner

Through: Mr. Abhishek Kr. Tiwari, Mr. Suyash
Srivastava, Advocates

versus

ANANDI RAMLINGAM AND ORS

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **30.07.2024**

1. The present writ petition impugns order dated 5th June, 2024¹ passed by Central Information Centre², deciding 12 Civil Appeals filed by the Petitioner.

2. It is important to note that the Petitioner had initially filed RTI applications seeking information from its erstwhile employer, Bank of Baroda regarding the denial of promotion that was allegedly due to the Petitioner. The Petitioner filed first and second appeals under the RTI Act contending that information provided by the bank was not satisfactory. The Petitioner asserts that as per the order in the second appeal, certain monetary penalties were imposed on the CPIO, who thereafter preferred a writ petition before this Court being W.P. (C) 10671/2022. In light of the above, the Petitioner has filed another set of RTI applications seeking further

¹ "Impugned order"



information regarding his dismissal. This abovementioned second set of RTI applications form the subject matter of the present dispute.

3. Counsel of the Petitioner submits that in the impugned order, the CIC has summarily dismissed the second appeal preferred by the Petitioner seeking important information, which is flagrant violation of the Petitioner's right to information. He asserts that the Petitioner is not seeking to agitate the issue of his denial of promotion but only seeks setting aside of the impugned order and direction to the Bank of Baroda to furnish the relevant information.

4. The Court has considered the aforementioned contentions and the documents placed on record. It is noted that the impugned order meticulously takes note of several RTI applications that have been filed by the Petitioner and their journey to the stage of second appeals before the CIC. Furthermore, it is observed that in the impugned order, the CIC has carefully noted all the proceedings before them, which indicates that the CIC has delved deep into the matter to understand the Petitioner's grievance. After due consideration of all facts, the impugned order holds as follows:

“Decision:-

23 . The Commission after advertising to the facts and circumstances of the case, hearing both parties and perusal of records observes that the common feature in most of appellant's RTI applications/appeals is regarding action taken on his correspondences; dak dispatch details, questioning the various actions of public authorities. Further, it is observed that the appellant first files a complaint and then seek status of the complaint by way of RTI. The appellant is frequently filing RTI Applications and based on the reply provided by the CPIO or complaint redressing authority, framing another RTI Application which is purely against the spirit of the RTI Act. 2005. In this regards, Hon'ble Supreme Court's observation in the matter of Central Board of Secondary

² “CIC”



Education (CBSE) & Anr. v. Aditya Bandhopadhyay and others [(2011) 8 SCC 497] stating that:

'37. The right to information is a cherished right. Information and right to information are intended to be formidable tools in the hands of responsible citizens to fight corruption and to bring in transparency and accountability. The provisions of RTI Act should be enforced strictly and all efforts should be made to bring to light the necessary information under clause (b) of section 4(1) of the Act which relates to securing transparency and accountability in the working of public authorities and in discouraging corruption. But in regard to other information, (that is information other than those enumerated in section 4(1)(b) and (c) of the Act), equal importance and emphasis are given to other public interests (like confidentiality of sensitive information, fidelity and fiduciary relationships, efficient operation of governments, etc.). Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive as it page 25 of 30 will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of a public authorities prioritizing 'information furnishing', at the cost of their normal and regular duties.'

Further, the findings of the Commission in the instant set of matter largely point towards a misuse of the RTI Act being perpetuated by the Appellant. Here, the Appellant's attention is again invited towards certain precedents set by the superior Courts recognizing the misuse of the RTI Act: In ICAI v. Shaunak H. Satya, (2011) 8 SCC781, the Hon'ble Supreme Court has held that:-

'39. We however agree that it is necessary to make a distinction in regard to information intended to bring transparency, to improve accountability and to reduce corruption, falling under Sections 4(1)(b) and (c) and other information which may not have a bearing on



accountability or reducing corruption. The competent authorities under the RTI Act will have to maintain a proper balance so that while achieving transparency, the demand for information does not reach unmanageable proportions affecting other public interests, which include efficient operation of public authorities and the Government, preservation of confidentiality of sensitive information and optimum use of limited fiscal resources.'

In the matter of Rajni Maindiratta- Vs Directorate of Education (North West- B) [W.P.(C) No. 7911/2015] the Hon'ble High Court of Delhi has held that:

8. Though undoubted the reason for seeking the information is not required to be disclosed but when it is found that the process of law is being abused, the same become relevant. Neither the authorities created under RTI Act nor the Courts are helpless if witness the provisions of law being abused and owe a duty to immediately put a stop thereto.'

And, in the matter of Shail Sahni vs. Sanjeev Kumar [W.P.(C) 845/2014] the Hon'ble High Court of Delhi has held that.....xxx

'This Court is also of the view that misuse of the RTI Act has to be appropriately dealt with, otherwise the public would lose faith and confidence in this "sunshine Act". A beneficent Statute, when made a tool for mischief and abuse must be checked in accordance with law.'

23.1 Further, the Commission notes that in most of the RTI applications the appellant has sought for the information that involved third parties, which stands exempted from disclosure under Section 8(1) G) of the RTI Act. In this regard, the attention of the parties is drawn towards a judgment of the Hon'ble Supreme Court in the matter of **Central Public Information Officer, Supreme Court of India Vs. Subhash Chandra Agarwal in Civil Appeal No. 10044 of 2010 with Civil Appeal No. 10045 of 2010 and Civil Appeal No. 2683 of 2010** wherein the import of "personal information" envisaged under Section 8(1)(j) of RTI Act has been exemplified in the context of earlier ratios laid down by the same Court in the matter(s) of **Canara Bank Vs. C.S. Shyam in Civil Appeal No.22 of 2009; Girish Ramchandra Deshpande vs. Central Information Commissioner & 0 Ors., (2013) 1 SCC 212 and R.K. Jain vs. Union of India & amp; Am., (2013) 14 SCC 794**. The following was thus held:

"59. Reading of the aforesaid judicial precedents, in our opinion, would indicate that personal records, including name, address, physical, mental and psychological status, marks obtained, grades and



answer sheets, are all treated as personal information. Similarly, professional records, including qualification, performance, evaluation reports, ACRs, disciplinary proceedings, etc are all personal information. Medical records, treatment, choice of medicine list of hospitals and doctors visited, findings recorded, including that of the family members, information relating to assets, liabilities, income tax returns, details of investments, lending and borrowing, etc. are personal information. Such personal information is entitled to protection from unwarranted invasion of privacy and conditional access is available when stipulation of larger public interest is satisfied. This list is indicative and not exhaustive.”

23.2 Moreover, the main grievance of the appellant pertains to his promotion to DGM grade in the Bank. The name of Mr. Tiwari was not cleared from vigilance angle and as such he could not be promoted to the DGM Grade, which could be raised before an appropriate forum. This forum may not be treated as grievance redressal forum. The Commission observes that all the CPIO's have provided appropriate replies to all the RTI Applications except RTI dated 19.01.2023, file no. **CIC/BKOBDA/2023/615864**. Therefore, the Commission directs the CPIO, Mr. Ramchand, DRM, to re-visit the RTI application dated 19.01.2023, file no, CIC/BKOBDA/2023/615864 and provide a revised reply to the appellant within 10 days from the date of the receipt of this order,

23.3 The Appellant is reminded that filing the same request with the CPIO by a mere inter play of words will not change the narrative of the case which has been already decided by the Commission. He is therefore strongly advised to desist from filing repetitive RTI Applications on the same grievance as his future appeals/complaint on the same matter are liable to be summarily dismissed. The Respondents are also advised to take reference of the instant decision while dealing with any future RTI Applications of the Appellant on the same subject matter. With these observations and directions, the appeals are disposed of.

Copy of the decision be provided free of cost to the parties.”

5. As can be seen from the above, the Petitioner’s true grievance pertains to his promotion in the Bank of Baroda. The CIC has rightly observed that they cannot become a grievance redressal forum for non-promotion.
6. In terms of the information sought by the Petitioner, in the opinion of



this Court, the CIC has rightly held that all the necessary information has already been provided to the Petitioner. Further, in view of the fact that before the present set of RTI applications were filed, one set of RTI proceedings in terms of the same information being sought by the Petitioner had already been concluded. The court is of the opinion that, in the present case the Petitioner is not aggrieved by the denial of the information but rather by the denial of his promotion. The CIC has rightly advised the Petitioner to desist from filing repetitive RTI applications on the same grievance.

7. None of the grounds urged by the Petitioner, indicate any infirmity in the impugned order and the Court finds no merits to entertain the present writ petition.

8. Accordingly, the present petition is disposed of, along with pending application(s).

SANJEEV NARULA, J

JULY 30, 2024
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