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

+ **W.P.(C) 12621/2018**

LAL BAHADUR RAM

.....Petitioner

Through: Mr. Saurabh Kansal, Ms. Pallavi
Sharma Kausal, Mr. Manish Kumar
and Mr. Raghav Vij, Advocates.

versus

CENTRAL PUBLIC INFORMATION OFFICER AND ANR

.....Respondents

Through: Mr. T.P. Singh, SCGC with
Mr. Manoj, Advocate for UOI..

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

19.07.2024

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1. The Petitioner filed an RTI application on 2nd July, 2014 with the Public Information Officer, Assam Rifles, seeking information relating to the number of total vacancies in the Assam rifles, 2011, the number of appointments made, marks obtained, complete list of candidates appointed from Bihar and the number of appointments made in 1984. The said request was declined. The Petitioner then preferred a first appeal which was also rejected. The Petitioner then preferred a second appeal before Central Information Commission,¹ which was allowed on 2nd June, 2016 and Respondent No.1 was directed to provide the information sought by the Petitioner within two weeks.

¹ "CIC"



2. Respondent No.1 partly complied with the said directions however, the information pertaining to points No. II to VI of the Petitioner's RTI application were not provided. The Petitioner then filed a complaint with CIC alleging that the directions of the CIC had not been complied with. The said complaint was adjudicated on 9th March, 2017 observing that the information had been provided to the Petitioner.

3. The Petitioner however, contends that the directions issued earlier on 2nd June, 2016, had not been complied with and filed a present petition seeking the following prayers:

- "i. Issue appropriate writ/declaration/direction setting aside the Respondent CIC's order dated 9.3.2017; and/or*
- ii. Issue appropriate writ/declaration/direction directing the Respondent CPIO to fully comply with the Respondent CIC's 2.5 CIC's order dated 2.6.2016 and provide all the information sought in the Petitioner's application dated 2.7.2014; and/or*
- iii. Issue appropriate writ/declaration/direction directing the Respondent CIC to initiate an enquiry under Section 20 of the RTI Act against the Respondent CPIO for both the imposition of a penalty and for conducting disciplinary proceedings; and/or*
- iv. Issue appropriate writ/declaration/direction constituting a commission to determine the injury faced by the Petitioner as the result of the Respondent's actions and to award damages to him; and/or*
- v. Pass any such order(s) as this Hon'ble Court may deem fit in the interest of justice, equity and good conscience."*

4. In response to the said petition, Respondent No.2 has filed a counter affidavit dated 6th March 2019. Mr. T.P. Singh, counsel for Respondents, confirms that in light of the revelations made in the counter affidavit, the information sought by the Petitioners in the RTI application stands provided.

5. Counsel for the Petitioner, however, submits that since there has been a gross delay on the part of Respondents in furnishing the information, the Court must award some compensation to be paid by the Respondents.



6. The Court has considered the Petitioner's requests, however, considering that the Respondents in their counter affidavit, had provided the information sought by the Petitioner in 2019 itself, in the opinion of the Court, this is not a fit case for award of any compensation.

7. That apart, Petitioner also seeks directions to the CIC to impose penalty and initiate disciplinary proceedings against CPIO/Respondent No.1 under section 20 of the Right to Information Act, 2005.²

8. For award of compensation under section 19(8)(b) of the RTI Act, the Petitioner has to demonstrate that the denial of information caused detriment to the Petitioner, which is not made in the present case. Furthermore, with regards to the prayer for imposition of penalty is concerned, in the opinion of the court, CIC is entitled in its discretion to not to direct imposition of monetary penalty under section 20(1) of the RTI Act.³

9. Accordingly, the present petition is disposed of.

SANJEEV NARULA, J

JULY 19, 2024

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² "RTI Act"

³ *SH Sunny Sachdeva V ACP North RTI Cell and Anr* 2024:DHC:5425-DB