



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.2656 OF 2023

WITH

WRIT PETITION NO.96 OF 2024

WITH

WRIT PETITION NO.2387 OF 2024

WITH

WRIT PETITION NO.139 OF 2024

IDBI Bank Limited,
A Company incorporated and
registered under the provisions of
the Companies Act, 1956 and
A banking company within the
meaning of Section 5(c) of
the Banking Regulation Act, 1949,
Having its registered office at
IDBI Tower, Cuff Parade,
WTC Complex, Mumbai – 400 005.

.....Petitioner

Vs.

1. Kumudini Rajesh Khadatare
Occupation : Service,
Indian inhabitant, Aged 54 years,
Residing at 62, Kalpataru Height,
Near Agripada Police Station,
Opposite Nair Hospital, Sat Rasta,
Mumbai Central, Mumbai 400 011.
2. The Central Information Commission,
Being an Authority established under
the provisions of the Right to
Information Act, 2005,

Having its office at Baba Gangnath Marg,
Munirka, New Delhi – 110 067.Respondents

Mr. Vishal Talsania, i/b. Mr. V. M. Parkar, for the Petitioner in all
Petitions.

Mr. Vaibhav Jagdale, for the Respondent No.1 in all Petitions.

**CORAM : REVATI MOHITE DERE &
DR. NEELA GOKHALE, JJ.**

RESERVED ON : 3rd APRIL 2025.

PRONOUNCED ON : 8th APRIL 2025.

JUDGMENT :- (Per Dr. Neela Gokhale, J.)

1. **Rule.** Rule made returnable forthwith. With the consent
of parties, the Petitions are being taken up for final hearing.

2. In Writ Petition No.2656 of 2023, the Petitioner
challenges the order dated 5th April 2023 passed by the Respondent
No.2-Central Information Commission ('CIC') in Second Appeal
No.CIC/IDBIL/A/2021/653122. In the other Writ Petition Nos. 87 of
2024, 96 of 2024 and 2387 of 2024, the Petitioner assails orders
dated 20th July 2023 passed by the CIC in Second Appeal Nos.
CIC/IDBIL/A/2022/654866, CIC/IDBIL/A/2022/609468; CIC/IDBIL/
A/2022/609361 respectively. All the impugned orders are identical in
nature and hence, being disposed off by this common judgment and
order.

3. The Petitioner is the IDBI Bank Ltd. and the Respondent No.1 is its employee. The Respondent No.2 is the CIC.

4. It is the case of the Petitioner that the Respondent No.1 made an Application seeking certain information under the Right to Information Act, 2005 ('RTI Act') to the Public Information Officer, pertaining to a Disciplinary Inquiry conducted against her by the bank. According to the Petitioner, the Respondent No.1 is a vexatious litigant inasmuch as, she made over 30 Applications under the RTI Act ostensibly in reprisal of Departmental Inquiries and the penalties imposed on her pursuant to the said inquiries.

5. According to the Petitioner, the information sought by the Respondent No.1 related to certain staff accountability reports and connected documents as well as details of commercial transactions of the Petitioner Bank with third parties, which information is exempted under Section 8 of the RTI Act. The Chief Public Information Officer ('CPIO') rejected her Application holding that the information sought was *inter alia* held in fiduciary capacity and personal information of other bank officials. The Respondent No.1 assailed this order before the Appellate Authority under the RTI Act, which also confirmed the

order of the CPIO. She, thus, challenged the Appellate order before the CIC contending that she was in fact a whistle blower and was wrongly penalized by the Petitioner. She said that she required the documents in order to prove her innocence.

6. The Petitioner appeared before the CIC and contended that the documents sought contained various internal guidelines, circulars and sensitive and confidential information of other officers concerning the sanction of loans and advances to borrowers of the bank. The documents sought also contained personal information of other employees of the bank, which the Petitioner was not liable to provide. However, by the orders impugned dated 5th April 2023 and 20th July 2023 in the respective Petitions, the CIC directed the Petitioner to provide the said information. These are the orders that are assailed in the present Petitions.

7. Mr. Vishal Talsania, learned counsel appears for the Petitioner in all the Petitions and Mr. Vaibhav Jagdale, appears for the Respondent No.1.

8. By order dated 6th March 2025, we granted time to the

Petitioner to produce the records of documents sought by the Respondent No.1 for our perusal. Today, Mr. Talsania, produced the said documents in Court. We perused the said documents. The documents contained circulars and policy documents relating to deliberation of the Staff Accountability Committee constituted by the bank. The documents also related to sensitive and confidential information and compliance by other officers of the bank pertaining to the sanction of loans and advances to the borrowers of the bank. There was also personal information about other employees of the bank.

9. Mr. Talsania brought to our notice that the Disciplinary Inquiries against the Petitioner were conducted in the year 2012 and by order dated 20th August 2012, the Respondent No.1 was exonerated in one inquiry. By order dated 30th September 2013, she was found guilty of negligence in another inquiry. However, instead of inflicting a major penalty as was initially proposed, only a minor penalty was imposed upon her towards part of pecuniary loss caused to the bank on account of her negligence. By order dated 21st December 2013, the Respondent No.1 was found guilty of certain

lapses in the third inquiry and was awarded minor penalty of reduction by one stage in the timescale of pay for a period of one year without cumulative effect. Mr Talsania submits that the Respondent No.1 has suffered the penalties imposed upon her and has not challenged the orders in any Court of law till date. It is his further say that since a decade has gone by since the aforesaid orders were passed and implemented, no purpose will be served by providing the said documents to her.

10. Mr. Jagdale on the other hand, submits that the Respondent No.1 has a right to know as to why the Disciplinary Inquiries were initiated against her. He thus defended the impugned orders.

11. Having heard rival contentions raised and on perusal of the facts in the matter as well as the documents in question, produced by the Petitioner, we are of the considered view that there is no public interest that will be served by providing the documents to the Respondent No.1 as sought by her. In fact, the reason given by her while seeking the documents is to prove her innocence in the Disciplinary Inquiries. However, it is clear from the record that the

inquiries have concluded in the year 2012-13 itself; the Respondent No.1 has complied with the penalties imposed; and she has not challenged the orders in any Court of law till date. This being the position, we see no reason to provide the documents to the Respondent No.1 at this delayed stage. In fact, the present Petition is not maintainable on the ground of delay and laches itself. It is settled law that an Applicant who approaches the Court belatedly and sleep over his rights for a considerable period of time, but wakes up from his deep slumber, ought not be granted extraordinary relief by Writ Court. In any case, a decade has gone by from the conclusion of the Disciplinary Inquiries and no purpose will be served by providing the documents to her, which are in any case confidential documents of the bank. The said documents have no bearing on the Disciplinary Inquiries culminated in 2012-13 itself. Thus, we have no hesitation in setting aside the order dated 5th April 2023 passed by the Respondent No.2-Central Information Commission ('CIC') in Second Appeal No.CIC/IDBIL/A/2021/653122 and orders dated 20th July 2023 passed by the CIC in Second Appeal Nos.CIC/IDBIL/A/2022/654866, CIC/IDBIL/A/ 2022/609468; CIC/IDBIL/A/2022/609361 respectively. Accordingly, they are set aside.

12. At this stage, Mr. Jagdale prays that the findings of the inquiries shall not bear any adverse consequences on the promotional prospects of the Respondent No.1. Mr. Talsania, on instructions, states that the outcome of the Disciplinary Inquiries shall not adversely affect the promotional prospects of the Respondent No.1 in the bank, if she is otherwise eligible. We accept the said statement.

13. The Petitions are allowed. Rule is accordingly made absolute.

14. All parties to act on an authenticated copy of this order.

(DR. NEELA GOKHALE, J.) (REVATI MOHITE DERE, J.)