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

+ **W.P.(C) 2385/2025**

MS. SAVITRI DEVI THROUGH POA MR. ASHOK KUMAR

.....Petitioner

Through: Ms. Aditi Gupta, DHCLSC along
with petitioner in person.

versus

CPIO

.....Respondent

Through: Mr. Shiven Verma, Adv. for R-1
(through v/c)

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **25.02.2025**

CM APPL.11273/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 2385/2025

3. The present petition has been filed by the petitioner being aggrieved by the non-supply of information pursuant to an RTI application dated 15.06.2022 filed by the petitioner. The information sought by the petitioner vide the said RTI application is reproduced in the order dated 30.08.2023 that eventually came to be passed by Central Information Commission (hereinafter 'CIC'). The said order reads as under:



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केन्द्रीय सूचना आयोग
Central Information Commission
बाबागंगनाथमार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नई दिल्ली, New Delhi – 110067

द्वितीय अपील संख्या / Second Appeal No.: - CIC/GNCTD/A/2022/149753 -UM

Ms. SAVITRI DEVI

....अपीलकर्ता/Appellant

VERSUS

CPIO,
O/o. THE MEDICAL DIRECTOR,
PIO/NODAL OFFICER, RTI CELL, GNCTD,
LOK NAYAK HOSPITAL, NEW DELHI – 110002

.....प्रतिवादीगण /Respondent

Date of Hearing : 29.08.2023
Date of Decision : 30.08.2023

Date of RTI application	15.06.2022
CPIO's response	18.07.2022
Date of the First Appeal	20.07.2022
First Appellate Authority's response	Not on record
Date of diarized receipt of Appeal by the Commission	20.10.2022

ORDER

FACTS

The Appellant vide RTI application sought information on 02 points, as under:-

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W.P.(C) 2385/2025

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This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 01/07/2025 at 23:13:08



1. → लौक नाथक अस्पताल में बहोर-जोकोदार के मृत पर कार्यरत नेपाल सिंह की मृत्यु के पश्चात् 2007 में अनुक्रमित निम्नलिखित से सम्बन्धित उनकी कार्डिनल में जो श्री दस्तावेज लगाकर दिल्ली में दायर हुए थे सर्विलेस डिपार्टमेंट में (नौकरी के) भेजे गए हैं। उनकी एक - 1 काया प्रमाण उपलब्ध करवाई जाए।
2. → अधिनी के पेट की मृत्यु के पश्चात् उनकी मृत्यु की नौकरी से संबंधित कार्य रखा गया है।

The PIO vide letter dated 18.07.2022 furnished a reply to the Appellant. Dissatisfied with the reply of the CPIO, the Appellant approached the FAA. The order of the FAA, if any, is not on the record of the Commission.

Thereafter, the Appellant filed a Second Appeal before the Commission.

HEARING:

Facts emerging during the hearing:

The following were present:

Appellant: Present in Person (Mr Ashok Appellant's son)

Respondent: Mr Arvind Mohan DMS Present through AC

The Appellant's representative while reiterating the contents of the RTI Application submitted that no information has been furnished so far. He said that they have applied for the appointment on compassionate ground on the death of his relative late Sh. Nepal Singh. He said for this purpose he had sought the documents attached with the file which was sent to Delhi Secretariat for the approval. But the reply received from the Respondent authority stated that the file is not traceable, the Appellant said. He claimed that neither the appointment has been given, nor the information has been provided. He further informed that when he personally visited the office for inspection, he was shown around 50-60 files but his file was not there.

The Respondent in reply submitted that the file that the appellant is seeking was sent to the Delhi Secretariat by their Establishment department. The copies that the appellant is seeking were attached with the file and no shadow file of the same is maintained by them.



DECISION:

Keeping in view the facts of the case and the submissions made by both the parties Commission observes that record maintenance is one of the core responsibility of the public authority. They are required to maintain accurate and organized records to ensure transparency, accountability, and the ability to provide information to the public when necessary. In the current case the CPIO has failed to maintain the records and provide appropriate information to the Appellant. Therefore the Commission directs the CPIO to collect the information from the concerned authority and furnish the information by the Appellant along with the requisite documents, protecting the provisions of Section 8 of the RTI Act 2005, strictly in accordance with the spirit of transparency and accountability as enshrined in the RTI Act, 2005 within a period of 60 days from the receipt of this order under the intimation to the Commission.

The Appeal stands disposed accordingly.

Authenticated true copy
(अभिप्रमाणित एवं सत्यापित प्रति)

(R. K. Rao) (आर.के. राव)
(Dy. Registrar) (उप-पंजीयक)
011-26182598
दिनांक / Date: 30.08.2023



(Uday Mahurkar) (उदय माहुरकर)
(Information Commissioner) (सूचना आयुक्त)

✓ Ms. SAVITRI DEVI
W/O. LATE SHRI NEPAL SINGH, R/o. H. NO513,
GALI NO-3, MULTAN NAGAR, BHOLA ROAD,
MEERUT, UP-250002



4. Pursuant to the aforesaid order, passed by CIC, the matter was taken up by Chief Public Information Officer (hereinafter 'CPIO') and vide letter dated 02.11.2023, CPIO informed the petitioner of the information received dated 09.10.2023 from the concerned branch. The said information is reproduced as under:



GOVT. OF NCT OF DELHI
OFFICE OF THE MEDICAL DIRECTOR
LOK NAYAK HOSPITAL: NEW DELHI-110002
(RTI CELL)

ANNEXURE 8/8 (copy)

F.No. 2/Misc./RTI Cell/RTI No. 220/2023-24/ 701 - 704

Dated: 21/11/23

To,

Ms. Savitri Devi W/o Lt. Sh. Nepal Singh
R/o H No. 313 Gali No. 3 Mulatn Nagar,
Bhola Road Meerut, UP-250002

Sub: - CIC Second Appeal No. CIC/GNCTD/A/2022/14753-UM-Regarding

Sir,

On the subject cited above, the reply has been received from the concerned branch and forwarded to you for your necessary action at your end.

(Dr. Arvind Mohan)
PIO
Lok Nayak Hospital

Encls: Attached

F.No. 2/Misc./RTI Cell/2023-24/

Dated:

Copy to: For information and necessary action at their end.

- 1 PS TO MD LNH
- 2 A.O. (Admin.)
- 3 Section Officer (Estt.- II)
- 4 Central Information Commission, Baba Gangnath Marg, Munirka New Delhi-110067

(Dr. Arvind Mohan)
PIO
Lok Nayak Hospital



“F.2(26)/E-II/LNH/RTI/2022-23/999

Date: 09.10.2023

To
The PIO
State Public Information Officer.
Lok Nayak Hospital

Sub: CIC Second Appeal No.CIC/GNCTD/A/2022/14753-UM-Regarding.

Ref. Above, it is submitted that the case for compassionate appointment in r/s Sh. Ashok was forwarded to Services Department along with the required documents. However, on going through the file it is found that there is no photocopy of forwarding documents was kept in file.

Further, it is submitted that Services Department (Services Cell) vide letter No.F16/01/PF/2008/S.III/4410 dated 07/07/208 has informed to Sh. Ashok Kumar that the Screening committee carefully considered your case for appointment on Compassionate Ground in its meeting held on 11/06/2008 and 17/06/2008, and did not recommend your case. And again vide letter No. F.16/52/(PF)/2009/S.II/6221 dated 30/09/2009 informed that your case again did not recommend by the Screening Committee in the meeting held on 03/09/2009 (copy att.).

Further Services Department vide letter No.F.16/85(PF)/2010/S.III/473 dated 27/01/2011 informed to Sh. Ashok Kumar that the Screening Committee carefully considered your case for appointment on Compassionate Grounds in its Meeting held on 20/10/2010 & 09/12/2010 again for the third time, and did not recommend. As you case has already been rejected thrice, further consideration of the case will not be possible in the light of DOPT OM No.14014/6/94-Estt/(D) dated 09/10/1998 (copy att.)

Again Services Department returned the original compassionate Appointment reconsideration request of Sh. Ashok Kumar to this department with request to take necessary action in accordance with the circular No. F.No.16/(60)/2001/S-II/Vol.III/15761579 dated 11/06/2019 and F.16(55)/Misc./2019/S-II/PF-I/579-88 dated 16/02/2021 of Services Department (copy att.).

On going though the above, it is found that the case for compassionate appointment in r/o Sh. Ashok Kumar was not considered by



the screening committee of Services Department in the meeting held on 11/06/2008, 17/06/2008, 03/09/2009, 20/10/2010 and 09/12/2010 (Five time).

This issue with the prior approval of Competent Authority.

**SECTION OFFICER (E-III)
LOK NAYAK HOSPITAL”**

5. The above partly satisfies/answers the petitioner’s queries raised in the petitioner’s RTI application. However, the petitioner remained aggrieved with the non-supply of the following information:

“1. All the documents, which have been sent to the Service Department of the Delhi Secretariat (for service), which were placed in the file of Naipal Singh related to the Compassionate Appointment after his death while working on the post of Chowkidar in Lok Nayak Hospital, their one set of photocopy may kindly be supplied.”

6. In respect of non-supply thereof, the petitioner moved an application dated 17.11.2023, before the CIC alleging non-compliance of the order/s passed by the CIC. On that application, the following communication was issued by the CIC to the concerned Public Information:



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Central Information Commission
Baba Gang Nath Marg -
Munirka, New Delhi - 110067.
011-26182598

File No. CIC/GNCTD/A/2022/149753

Date: 02-07-2024

To,
Public Information Officer,
O/o The Medial Director,
PIO/Nodal Officer, RTI Cell, GNCTD,
Lok Nayak Hospital, New Delhi-110002.

Subject: Non-Compliance of CIC's Order No. **CIC/GNCTD/A/2022/149753**
30.08.2023-reg.

I am directed to refer to CIC's Order File No. **CIC/GNCTD/A/2022/149753** 30.08.2023 on the above subject and to say that a report complying with the directions of the Commission is yet to be sent to us.

2. The Commission received a Non-compliance from the complainant vide letter received dated 17.11.2023 that no information as per RTI application(Copy enclosed) has been received by him after directing the Commission within the time limit.

3. You are, therefore, directed to file your reply on the matter within 15 days from the date of receipt of this letter. Non filing of reply shall be construed that you have nothing to report, and the matter will be placed before the Commission for show cause orders deemed fit.


(S. Anantharaman)
Deputy Registrar

✓ **Copy to:-**

Ms. Savitri Devi W/o Late Nepal Singh,
House No. 513, Gali No. 3, Multan Nagar,
Bhola Road, Meerut City-250002,
Uttar Pradesh.



7. It is submitted that no follow up action has been taken by the CIC pursuant to the said notice dated 02.07.2024.
8. Considering the aforesaid aspects, the present petition is disposed of with a request to the Central Information Commission (CIC) to take requisite follow up action pursuant to the aforesaid Notice dated 02.07.2024. Let the same be done expeditiously, and preferably within a period of three months from today.
9. The present petition is disposed of in the aforesaid terms.

SACHIN DATTA, J

FEBRUARY 25, 2025/cl