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

+ **W.P.(C) 9475/2024**

SH.UTPAL KUMAR RAYPetitioner

Through: Ms. Aditi Gupta, Adv.

versus

NATIONAL COMMISSION

FOR SCHEDULED CASTES AND ANR.Respondents

Through: Mr. T.P. Singh (SGSC) for R1

Mr. Arun Aggarwal, Adv. for R2

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

20.01.2025

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1. The present petition has been filed by the petitioner alleging inaction on the part of the respondents in not responding/providing the relevant information to the petitioner pursuant to RTI Application dated 02.08.2019 and the First Appeal dated 17.09.2019.

2. The petitioner also raises a grievance as regards the order dated 17.10.2023 (hereinafter "*the impugned order*") passed by the Central Information Commission (CIC) in second appeal bearing no. CIC/NCFSC/A/2019/161585 whereby the CIC has allegedly overlooked the lapse on the part of the concerned respondent no.1 in supplying the necessary information sought by the petitioner *vide* RTI Application dated 02.08.2019. The information sought is as under:-

"1. Information with file-noting and official records of registration of my written complaints dt. 03.07.2017 to the Chairman Shri Ram Shankar Katheria, NCSC, sent through registry port.

2. Information with file-noting and official records of Status/action taken reports on my complaint dt. 03.07.2017, sent through registry post to Chairman Shri Ram Shankar Katheria of NCSC.



3. *Information about the grounds of delay and not yet sending any reply to me on my referred complaint petition dt. 03.07.2017 to the Chairman Shri Ram Shankar Katheria, NCSC.”*

3. Admittedly, the concerned Public Information Officer of the National Commission for Scheduled Castes (NCSC) did not respond to the application. Even the first appeal dated 17.09.2019 filed before the concerned Appellate Authority was not responded to. It was in this conspectus that the petitioner appealed the matter to the CIC.

4. Initially, the CIC *vide* order dated 19.07.2021 issued a show cause notice as to why action should not be taken under Section 20 of the RTI Act, 2005. Further, the CPIO was directed to revisit the RTI Application and provide the relevant information.

5. Pursuant thereto, an explanation was apparently provided to the CIC by the then CPIO and Additional Director (OL), NCSC *vide* letter dated 16.08.2021 which is extracted in order dated 17.10.2023 of the CIC. It was mentioned in the said letter dated 16.08.2021, as under:-

“I am to refer to CIC’s decision/order on file bearing No. CIC/NCFSC/A/2019/161585 dated 19.07.2021 received in this Commission on 02.08.2021 on the above mentioned subject and to say that then CPIO has requested to send the copy to details of complaint addressed to Dr. Ram Shankar Katheria, then Chairman, NCSC to the applicant vide letter of even number dated 15.10.2019 (copy enclosed) for further examination. However, till date the applicant has not forwarded the same. Further, in my capacity as present CPIO (Admn. & Coordination), I have ascertained from divisions dealing with complaints of petitioners that his case might have been transferred to out State Office Kolkata. Therefore, it will be in the interest of the petitioner if a copy of the grievances is forwarded to this Commission to redress his grievances.

In view of above submission and the RTI applicant has been given a reply requesting him to make available copy of his representation to the then Chairman, a view may be taken not to penalise me, the



present CPIO for no fault of mine. I assure that prompt action would be taken by me to reply to the RTI application once copy of the reply is received.”

6. Considering the aforesaid, the show cause notice initially issued by the CIC on 19.07.2021 was dropped. However, learned counsel for the petitioner submits that the communication dated 15.10.2019 alleged sent by the CPIO to the petitioner [as referred to in the extract above] was never received by him.

7. After some hearing, learned counsel for the respondent is unable to point out any impediment in supplying the necessary information to the petitioner.

8. In the circumstances, with the consent of respective counsel, the present petition is disposed of with the direction to the respondents to supply the requisite information to the petitioner as sought by the petitioner vide RTI Application dated 02.08.2019. Let the same be done within a period of six weeks from today.

SACHIN DATTA, J

JANUARY 20, 2025/uk