

15.06.2026
Court No. 12
Item No. 05
Sandip

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

M.A.T. 284 of 2024
I.A. No : CAN 1 of 2024

Central Information Commission & Ors.
Vs.
Tathagata Datta

Mr. Animesh Mukherjee,
Ms. Anamika Pandey,
Mr. Ashish Shukla,
Mr. Ghanshyam Pandey,
Ms. Rishika Pandey

.....for the appellants.

Mr. Tathagata Datta (in person)

.... For the respondent.

1) We have considered the order impugned. The respondent sought for information under the Right to Information Act. The P.I.O refused to furnish the information. An appeal was preferred. The first appellate authority directed that the information along with the necessary documents must be furnished to the respondent. The appellants did not challenge such order. A second appeal was filed against the decision of the P.I.O. who refused to furnish the information despite the direction in the first appeal. The order had an overriding effect on the decision of the first appellate authority. Such order was illegal.

2) In the second appeal, the decision of the first appellate authority had not been set aside, but the decision of the P.I.O. was upheld. The P.I.O., that is, the first authority could not have acted contrary to the direction of the first

appellate authority. The second appeal was misconceived and the order passed therein is a nullity.

3) We uphold the findings of His Lordship, which are quoted below :-

“4. The respondent authorities place reliance on the dismissal of the second appeal by the second appellate authority to submit that the petitioner cannot reiterate his claim for furnishing of the information-in-question.

5. Although it is not clearly understood as to what prompted the petitioner to prefer a second appeal against the order of the first appellate authority, which was in his favour, instead of seeking an implementation of the same, the said action may be attributed to the fact that the petitioner has been litigating in person and is a layman in law.

6. Be that as it may, the ultimate effect of the dismissal of the second appeal is that the order of 3 the first appellate authority was affirmed. The relevant portion of the order of the first appellate authority dated August 24, 2022 is quoted hereinbelow :

“DECISION: I have gone through the matter. I do not agree with the contention of the Sr. DOM & PIO, Eastern Railway, Sealdah. In the context of RTI application, Sr. DOM & PIO, Eastern Railway, Sealdah is directed to provide item wise information as available on record with Operating department within 15 days from receipt of this order.”

7. The crux of the said order is that the Sr. DOM & PIO, Eastern Railway, Sealdah was directed to provide item wise information as available on record with the Operating department within 15 days from receipt of the said order.

8. It is noteworthy that there was no qualification in the said order as to what information was required to be given. The unqualified and unambiguous direction of the first appellate authority on the Sr. DOM & PIO, Eastern Railway, Sealdah, was to provide item wise information as available on record, as sought by the petitioner.

9. The said order was actually affirmed by the dismissal of the second appellate authority and, 4 as such, the respondent authorities cannot resile from such position, having not preferred

any challenge to the said order of the first appellate authority.”

4) Under such circumstances, we are not inclined to interfere with the order of His Lordship, who has rightly found that the order of the first appellate authority had become final.

5) With regard to the contention of the appellants that the information asked for related to third parties, the same is not accepted. The conditions of the railway tracks and compliances of the manual are essential for the safety and security of the public. The public has a right to know that they are in a safe hands when they undertake their journey by train. Moreover, the order of the first appellate authority was final and had remained unchallenged. The P.I.O could not refuse to furnish the information. He was bound by the order passed in the first appeal.

6) However, we modify the order to the extent that, if the inspection report(s) under the first clause of the queries are furnished, such information would suffice. Thus, true copy of Foot-Plate inspection report conducted from Loco Pilot's Cab and Rare-Window Foot-Plate inspection report conducted from Train Manager's Cab from 01st June 2022 till the date of the query, conducted by employees working under Unified SM Cadre performing inspectorial job within jurisdiction of Sealdah Division must be furnished, as directed by His Lordship.

7) According to us, the train numbers, names of the inspection authorities, vehicle

guidance permits etc. are not required to be separately provided. The inspection report(s) on and from June 1, 2022 till the date of the application, that is, June 28, 2022, will contain the relevant information. The cost for the supply of documents shall be borne by the respondent, as per the law.

8) We are of the view that the information sought for under serial No. 2 will be available in the inspection report(s). The respondent also agrees that such information need not be separately furnished.

9) The order impugned is modified to the above extent. This order is restricted to the order impugned in MAT 284 of 2024 and not in the contempt application. The contempt application will proceed in accordance with law, in view of the disposal of the appeal and the connected application.

10) The appeal and the application are disposed of after lengthy argument advanced by the parties.

11) Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)