

15.06.2026
Court No. 12
Item No. 02
Sandip

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

M.A.T. 1657 of 2017
I.A. No : CAN 1 of 2017 (Old No : CAN 9574 of 2017)
CAN 2 of 2017 (Old No : CAN 9575 of 2017)

Surajit Panigrahi
Vs.
The Information Commissioner, Central
Information Commission & Anr.

Mr. Sakya Maity
.....for the appellant.

Re : CAN 1 of 2017 (Old No : CAN 9574 of 2017)

- 1) Although affidavit-of-service has not been filed, but we find that the respondents have been served.
- 2) CAN 1 of 2017 (Old No : CAN 9574 of 2017) is an application for condonation of delay in preferring the appeal.
- 3) It appears that there is 51 days delay in filing the appeal. Upon considering the explanations in paragraphs 12 to 15 of the application, we are satisfied that the delay in filing the appeal has been sufficiently explained.
- 4) Accordingly, the delay is condoned.
- 5) CAN 1 of 2017 (Old No: CAN 9574 of 2017) is allowed.
- 6) The appeal is regularized.

Re : M.A.T. 1657 of 2017

- 7) The appeal arises out of an order dated June 23, 2017, passed in W.P. 9926 (W) of 2017.

8) The appellant assailed an order passed by the second appellate authority exercising jurisdiction under the Right to Information Act, 2005. The appellant was aggrieved, as the information sought for had not been furnished along with the necessary documents. The first authority refused to grant any such documents. A first appeal was preferred and thereafter a second appeal. The second appellate authority also rejected the request for the information on the ground that the information sought by the appellant was prohibited under Section 8(1)(h) of the Right to Information Act, 2005. A writ petition was filed.

9) The appellant contended before His Lordship that the provision of Section 8(1)(h) of the Act of 2005 would not be attracted, inasmuch as, as an accused in a criminal case, the appellant was entitled to the complaint lodged against him along with the materials in support of such complaint, if any. He also submitted that the Central Bureau of Investigation had conducted an investigation and submitted a report. The appellant was entitled to the copy of such report as well.

10) Upon considering the rival contentions of the parties, His Lordship found that a complaint was lodged against the appellant by a Non-Governmental organization. Upon coming to know of such complaint, the appellant applied under the Right to Information Act for a copy of the complaint as also the information as to whether such complaint contains only one compact disk or two compact disks. The appellant also wanted a

copy of the report of the Central Bureau of Investigation. When the information was not provided by any of the authorities, the writ petition was filed.

11) The second appeal was rejected on the ground that the authority did not have any obligation to provide such information which would impede the process of investigation.

12) His Lordship found that there was nothing on record which was indicate that any criminal investigation was pending. However, His Lordship was of the view that the appellant was entitled to a copy of the complaint made against him and also be informed whether the complaint was accompanied by one or two compact disks.

13) So far as the report of the investigating authority was concerned, His Lordship was of the view that the relief for supply of the investigation report could not be granted in terms of Section 8(1)(h) of the Act of 2005. According to His Lordship, supply of such report of the investigating agency would impede the process of investigation.

14) This order has been challenged on the ground that a disciplinary proceeding was initiated against the appellant and the appellant was thus entitled to the report of the Central Bureau of Investigation.

15) We have been informed that, upon completion of the disciplinary proceeding, the appellant was terminated. The disciplinary proceeding was challenged in W.P.A. 7057 of 2020, which was disposed of on November 24,

2025. By such time, the appellant had already reached the age of superannuation.

16) We find that by an judgement and order dated November 24, 2025, the learned single Judge allowed the writ petition and, inter alia, held that the entire disciplinary proceeding was vitiated. Upon considering the fact that a decade had elapsed, it was further held that no fruitful purpose would be served in directing further disciplinary proceedings as the appellant had already reached the age of superannuation and the master-servant relationship between the employer and employee had ceased. His Lordship was of the considered view that the procedure laid down for conduct of a disciplinary proceeding against the delinquent employee had not been followed.

17) Under such circumstances, we are unable to understand how the order impugned affects the right of the appellant at this stage. The consequence of the order by which the entire disciplinary proceeding was set aside, will automatically follow unless there is any other order from a superior Court. As of today, we are informed that the employer had not preferred any appeal. The learned Single Judge recorded that there are no records demonstrating initiation of either a criminal trial or any criminal case. In the event any criminal proceeding is initiated before a Court of law upon completion of the investigation, the remedy of the appellant will be before the jurisdictional court to pray for the relevant documents as the appropriate stage.

18) Accordingly, the appeal and the connected application are disposed of.

19) 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.)