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

+ **W.P.(C) 403/2023 and CM APPL. 35061/2023**

CPL CHETAN GAUTAM

.....Petitioner

Through: Mr. Tejas Bhonge and Mr. Ajit
Kakkar, Advocates.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Ruchir Mishra, Mr. Sanjiv Kumar
Saxena, Mr. Mukesh Kumar Tiwari,
Ms. Reba Jena Mishra, Ms. Poonam
Shukla, Advocates with Mr. Rishesh
Mani Tripathi(GP).

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

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28.04.2026

1. The petitioner, Corporal serving in the Indian Air Force, *vide* the instant petition seeks to challenge the order dated 20.10.2022 passed by the Central Information Commission ('CIC'), whereby, the Second Appeal filed by the petitioner has been decided. Following observations have been made *vide* the said order:-

“Observations:

From a perusal of the record, it is noted that the CPIO from Delhi denied the information under Sec 8(1)(j) indicating that there was no larger public interest in disclosure of this information which is personal in nature. The FAA concurred with this view. In case no. 136788, the CPIO from Gandhinagar stated that the information sought is between two public authorities and held in fiduciary capacity and therefore is exempted from disclosure under Sec 8(1)(e) of the RTI Act. In the recent written submission, the CPIO has explained that the appellant has been



serving for 10 years in the Air Force and was awarded a reprimand after which he is making several RTI applications which are frivolous in nature out of revenge and thereby harassing the public authority.

Since the issues raised are the same in both the appeals the cases are being considered together and were heard accordingly.

The written submissions of Wing Commander Malik clearly bring out the justification for denial of information under Sec 8(1)(e) of the RTI Act and the Commission is satisfied by the denial as being justified and therefore, upholds the same.”

2. The petitioner by way of RTI Application dated 21.10.2020 before the Central Public Information Officer (“**CPIO**”) sought a copy of the Demi Official Letter (**‘DO Letter’**) sent by Group Captain Ritam Kumar, in his capacity as Commanding Officer of 20 Squadron (“**Sqn**”), Air Force, to the Air Force Record Office (“**AFRO**”), requesting posting out/ transfer from 20 Sqn, AF to any other unit/base. The CPIO *vide* order dated 09.11.2020 denied the information, characterising the application as frivolous and motivated to harass the public authority.

3. Being aggrieved by the order of the CPIO, the Petitioner preferred a First Appeal dated 29.12.2020 before the Senior Officer-in-Charge Administration, HQ, South Western Air Command, who upheld the decision of the CPIO *vide* order dated 03.02.2021. Thereafter, the Petitioner filed a Second Appeal dated 10.05.2021 before the Central Information Commission, contending inter alia that information of an identical nature had previously been furnished to him in 2018, and that the denial on the present occasion was, therefore, arbitrary. The CIC, however, clubbed the said appeal with another appeal bearing Case No. 136788 and, relying upon the written submissions of Wing Commander Malik, upheld the denial of information under Section 8(1)(e) of the RTI Act *vide* the impugned order



dated 20.10.2022, thereby confirming the orders passed by the CPIO and the FAA

4. Having heard the learned counsel for the parties and on perusal of the record. It is imperative to consider the Supreme Court decision in ***ICAI v. Shaunak H. Satya***¹:-

*“22. It should be noted that Section 8(1)(e) uses the words information available to a person in his fiduciary relationship. Significantly, Section 8(1)(e) does not use the words “information available to a public authority in its fiduciary relationship”. The use of the words “person” shows that the holder of the information in a fiduciary relationship need not only be a ‘public authority’ as the word ‘person’ is of much wider import than the word ‘public authority’. Therefore the exemption under Section 8(1)(e) is available not only in regard to information that is held by a public authority (in this case the examining body) in a fiduciary capacity, but also to any information that is given or made available by a public authority to anyone else for being held in a fiduciary relationship. **In other words, anything given and taken in confidence expecting confidentiality to be maintained will be information available to a person in fiduciary relationship.** As a consequence, it has to be held that the instructions and solutions to questions communicated by the examining body to the examiners, head-examiners and moderators, are information available to such persons in their fiduciary relationship and therefore exempted from disclosure under Section 8(1)(d) of RTI Act.*

5. Additionally in ***Union Public Service Commission v. Mahesh Mangalat***² the Supreme Court held that:-

*“22. In the instant case, no specific reason has been provided by the petitioner which could establish before this court that disclosure of the personal details of the members of the Selection Committee is important for larger public interest. Learned counsel for the respondent has merely reiterated the fact that such disclosure is important for ‘larger public interest’ to prevail however, no grounds for the same have been stated by the respondent. **In the absence of any cogent reason brought on record to establish the necessity of disclosure of the information sought by the respondent in the interest of public especially so for ‘sustainable public***

¹ 2011 SCC OnLineSC 1193.

² 2015 SCC OnLine Del 8172.



interest', this court is not inclined to violate the right to privacy of a public officer which is a fundamental right embedded in our Constitution."

6. In view of the above, the information sought by the Petitioner constitutes a communication between the public authority and its officials in their fiduciary capacity. The exemption under Section 8(1)(e) has, therefore, rightly been invoked by the Respondent, as no larger public interest has been demonstrated that would warrant overriding the said exemption.

7. It is further noted that the Petitioner, if aggrieved by the recommendations made in the DO Letter with respect to his transfer or posting, has an appropriate remedy before the competent Court or Tribunal having jurisdiction over service matters. The mechanism of the RTI Act cannot be employed as a substitute for such statutory remedies, nor can it be used to compel disclosure of internal communications that are otherwise protected under law.

8. The contention of the petitioner that a similar information was furnished to him *vide* Letter no. TC/9619/1/636/P1 dated 28.02.2018 does not, by itself, create a legally enforceable right to obtain all future communications of a similar nature, particularly when the exemption under Section 8(1)(e) is otherwise applicable. Each RTI application must be assessed on its own merits, having regard to the nature of the specific information sought.

9. The petition is accordingly dismissed, along with pending applications if any.

PURUSHAINDR KUMAR KAURAV, J

APRIL 28, 2026/Nc/NK