



2026:DHC:3384



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 6420/2022**Date of Decision: **07.04.2026****IN THE MATTER OF:**

BACHAN SINGH RANA

.....Petitioner

Through: Ms. Aditi Gupta, DHCLSC.

versus

CENTRAL PUBLIC INFORMATION OFFICER AND OTHERS

.....Respondents

Through: Mr. VSR Krishna with Mr. Shashank
Kumar, Advocates.**CORAM:****HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV****JUDGEMENT****PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**

1. The petitioner had filed an application dated 16.08.2020 with 17 queries for information under the Right to Information Act, 2005 (*hereinafter referred to as 'the Act'*). The queries broadly were pertaining to : (1) the basis and rate of wages payable to the petitioner from 1994 to 2003 (separated on a half yearly basis); (2) list of daily wage workers in the concerned department who were, or were not, granted temporary status and accompanying benefits; (3) the rules governing payment of festival bonus from 1996 to 2006; and (4) copies of various office memoranda, department orders and communications as extracted below:-

"Point No.5:- Please provide attested copy of AIIMS, Ansari Nagar,

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New Delhi-29 Memorandum No. F.35-10/98-Estt-II Dated 08 Jun 1998, Subject:- Grant of Temporary Status to the daily wages employees working at the AIIMS.

Point No.6:- Please provide attested copy of Order of the Govt. of India, Ministry of Personnel Public & Pensions letter No. 49011/2/97-Estt(D), the dated 24-10-1997 as mentioned in the AIIMS, Ansari Nagar, New Delhi-29 Memorandum No. F.35- 10/98-Estt-II Dated 08 Jun 1998.

Point No.7:- Please provide attested copy of AIIMS, Ansari Nagar, New Delhi-29 Memorandum No. F.35-10/98-Estt-II (Part. File) Dated the 16-03-1999.

Point No.8:- Please provide attested copy of AIIMS, Ansari Nagar, New Delhi-29 Memorandum No. F.35-10/98-Estt-II Dated the 29 June 1999.

Point No.9:- Please provide attested copy of AIIMS, Ansari Nagar, New Delhi-29 Memorandum No. F.35-11/2000-Estt-II (Part. File) Dated the 23-04-2001.

Point No.10:- Please provide attested copy of AIIMS, Ansari Nagar, New Delhi-29 Memorandum No. F.35-11/2000-Estt-II (Part. File) Dated the 23-04-2001.

Point No.11:- Please provide attested copy of Ministry of Personnel, Public & Pensions Department of Personnel & Training O.M. No. F.51016/2/90-Estt.(c), dated 10-9- 1993.

Point No.12:- Please provide attested copy of AIIMS, Ansari Nagar, New Delhi-29 Memorandum No. F.35/11(Helper)/2000-Estt.II, Dated the 11 Nov. 2002.

Point No.13:- Please provide attested copy of AIIMS, Ansari Nagar, New Delhi-29 Memorandum No. F.35/11/2000-Estt.II, Dated the 05-05-2003.

Point No.14:- Please provide attested copy of AIIMS, Ansari Nagar, New Delhi-29 Memorandum No. F.3-9/2002-Estt.I, Dated the 23 Oct. 2003, Subject: Offer of temporary appointment to the temporary post of Khalasi at the AIIMS, New Delhi-29.

Point No.15:- Please provide attested copy of AIIMS, Ansari Nagar, New Delhi-29 Office Memorandum No. F.35-10/98-Estt-I. (P.F.)

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Dated the 13 AUG 2009, Subject: Regularisation of Goup 'D' employees working on Ad-hoc/Temporary Status/Daily Wages at the AIIMS, New Delhi - Khalasi.

Point No.16:- Please provide attested copy of AIIMS, Ansari Nagar, New Delhi-29 Office Memorandum No. F.GWP-456/95/HC/Engg/1200-06, dated 14 Jun 1999 having Subject: In the matters of Daily Wagers regarding regularization of their services at AIIMS.

Point No.17:- Please provide attested copy of AIIMS, Ansari Nagar, New Delhi-29 Office Memorandum No. F.35-10/98-Estt.I, Dated the OS JAN 2009, Subject: Regularization of Group 'D' Employees working on Temporary Status at AIIMS."

2. *Vide* reply dated 22.09.2020, the Public Information Officer [PIO] informed the petitioner that some of the information in the queries made are "personal information," and that the remaining information was available in the public domain, or was pertaining to other branches. The PIO has merely referenced to Section 8(1) of the Act without expressly assigning reasons as to how the information sought is personal, has no corelation to public activity, or how it would cause an unwarranted invasion of privacy. The reply dated 22.09.2020 is extracted as under:

"Sir,

In reference to your RTI Application dated 16-08-2020 which has been received by the Cash Section vide letter No. 35-1360/2020/RTI-Estt.I (RTI Cell) on 04-09-2020. In respect of the information sought, the Cash Section provides point-wise information as under:-

<i>Point No.</i>	<i>Information sought</i>
<i>1</i>	<i>The information sought by you is personal, therefore, under Section 8(1) of the Right to Information Act 2005, the desired information cannot be provided.</i>
<i>2</i>	<i>The information sought is related to Recruitment Cell (AIIMS).</i>
<i>3</i>	<i>The information sought is related to Recruitment Cell</i>

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	(AIIMS).
4	<i>The allowances are paid as per the guidelines of the Govt. of India which are available on public domain.</i>
5	<i>The information sought is related to Establishment Section (Ni.ka.) AIIMS.</i>
6	<i>The information sought is related to DOPT, whose Memorandum is available on public domain.</i>
7	<i>The information sought is related to Establishment Section (Ni.ka.) AIIMS.</i>
8	<i>The information sought is related to Establishment Section (Ni.ka.) AIIMS.</i>
9	<i>The information sought is related to Establishment Section (Ni.ka.) AIIMS.</i>
10	<i>The information sought is related to Establishment Section (Ni.ka.) AIIMS.</i>
11	<i>The information sought is related to DOPT, whose Memorandum is available on public domain.</i>
12	<i>The information sought is related to Establishment Section (Ni.ka.) AIIMS.</i>
13	<i>The information sought is related to Establishment Section (Ni.ka.) AIIMS.</i>
14	<i>The information sought is related to Establishment Section (Ni.ka.) AIIMS.</i>
15	<i>The information sought is related to Establishment Section (Ni.ka.) AIIMS.</i>
16	<i>The information sought is related to Establishment Section (Ni.ka.) AIIMS.</i>
17	<i>The information sought is related to Establishment Section (Ni.ka.) AIIMS.</i>

Shri Narendra Bhatia, Financial Advisor, Administrative Block, 1st Floor, Room No.1, Ansari Nagar, New Delhi-110029 is the Appellate Authority of Finance Department (Cash)."

3. Thereafter, the Establishment Branch had also informed the petitioner on 10.10.2020 that the information pertains to another branch and is not available in the Establishment Branch. The petitioner then preferred first appeal *vide* order dated 01.01.2021. The first appellate authority declined interference, stating that a reply to the queries made by the petitioner was sent on 10.10.2020.

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4. Being aggrieved, the petitioner challenged aforementioned order in second appeal. The Central Information Commission [CIC] *vide* impugned order dated 11.02.2022 has proceeded on the premise that the information available on record and eligible to be furnished had already been furnished therein. The CIC observed that the matter was barred by *res judicata*.

5. Having heard the learned counsel for the parties and having perused the record, this Court finds that the manner in which the queries have been dealt with cannot be countenanced. The first appellate authority has failed to apply its mind.

6. A perusal of replies dated 22.09.2020 and 10.10.2020 show that they did not contain the relevant information as desired by the petitioner. The petitioner was merely informed that different parts of the information sought were available with different branches. Such an approach is contrary to the mandate of the Act. The PIO is not permitted to drive the applicant from pillar to post.

7. Under Section 5(3) of the Act, the PIO is obliged to deal with requests for information and render reasonable assistance to the person seeking such information. When the information sought is available in different wings or branches of the same public authority, the PIO is empowered under Section 5(4) to seek assistance from any other officer. By virtue of Section 5(5), such officer is also placed under a statutory obligation to render assistance.

8. If, however, any information pertaining to the query made is held by another public authority, the application, or such part therein, is required to be transferred under Section 6(3) of the Act within five days, with due notice to the applicant. No such action has been taken in the present case.

9. While disposing of a request, the CPIO is required to either provide



the requested information, or reject the request for reasons specified in Section 8 or 9 of the Act. The queries that sought copies of office memoranda, departmental orders and communications (queries 5 - 17) were to be transferred to the appropriate authority as per Section 6(3).

10. The information that are available on the public domain ought to have been made accessible to the petitioners by providing him with the exact particulars as to where and how such information may be obtained. The replies on record indicate a complete non-application of mind on part of the respondents.

11. According to Section 8(1)(j) of the Act, information pertaining to personal information that has no relationship with public activity or interest, or that may cause unwarranted invasion of privacy may be withheld. A bare reference to the Section 8(1) without disclosing how the information falls within the statutory exemption is plainly insufficient.

12. It is, further, noted that in the present case, all queries do not stand on the same footing. Information relating to the petitioner's own wages, service conditions and copies of general office memoranda cannot be mechanically placed in the same category as information pertaining to a third party. The respondents have failed to undertake a conscious examination of Section 8(1)(j). When some portion of the record is exempted, the respondents are bound to consider whether the part that is not exempted can be disclosed after severance in terms of Section 10. In case the disclosure of any information pertaining to third-party interest is outweighed by a larger public interest, procedure laid down in Section 11 is to be followed.

13. The CIC, in the impugned order has misconstrued Section 2(h), as the provision merely defines "public authority" and does not govern the disposal



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of a request for information. The relevant inquiry for which the matter came before the CIC was whether the request had lawfully been dealt with in terms of Sections 5, 6 and 7 of the Act, and whether the denial was within the ambit of Sections 8 and 9.

14. The principle of *res judicata* is also unsupported by any clear analysis as to whether the proceedings pertained to the same subject matter involving identical issues that had already been adjudicated. Mere mentioning of the second appeal number is insufficient to sustain such a conclusion.

15. For the aforementioned reasons, the impugned order dated 11.02.2022 passed by the Ld. CIC in File No. CIC/AIIMS/A/20221/111607 is set aside and the application shall be restored to its original number.

16. The concerned PIO shall collate the relevant information from the respective branches and provide them to the petitioner. In case any part of the information sought is not readily available or cannot be supplied, the specific reasons be assigned and communicated to the petitioner.

17. The information shall be furnished to the petitioner free of cost as the petitioner had already borne the expense earlier.

18. In view of the aforementioned, the writ petition stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J

APRIL 7, 2026

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