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

+ **W.P.(C) 16073/2025 and CM APPL. 65793/2025**

RAKESH KUMAR

.....Petitioner

Through: **Ms. Urvi Mohan, Adv.**

versus

**CENTRAL INFORMATION
COMMISSIONER & ANR.**

.....Respondents

Through: **Mr. Syed Abdul Haseeb, CGSC for
R-1.
Ms. Vaishali Gupta (Panel counsel,
GNCTD), Mr. Kartik Sharma
Advocates for R-2.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% 03.02.2026

1. The impugned decision passed by the Central Information Commissioner ('CIC') is challenged by the petitioner, whereby, a penalty of Rs. 2500/- is imposed against him. A perusal of the order passed by CIC would indicate that the petitioner was serving as the PIO/SDM (Vigilance), Saket and on receipt of the application on transfer from PIO/SDM (HQ), he transferred the same to PIO/SDM, Mehrauli. The CIC in paragraph no. 9 to 11 has held as under:

"9. The Commission, after hearing the submissions of both the parties and after perusal of records, observes that in compliance to the previous direction of the Commission passed vide order 18.08.2023, Shri Pawan Kumar, SDM/HQ has provided a reply to the Appellant vide letter dated 23.08.2023 but the same is evasive as no relevant information has been



provided to the Appellant till date. The Commission further observes that in the previous order, a Show Cause Notice was also issued upon the then deemed PIO but a copy of the previous order of the Commission dated 18.08.2023 has not been served upon the then deemed PIO Shri Rakesh Kumar, who is currently serving as ADM (HQ) and was holding the charge of PIO/SDM (Vigilance)/Saket, at the relevant period by Shri Pawan Kumar, SDM/HQ.

10. During the hearing, Shri Pawan Kumar, SDM/HQ informed the Bench that information is neither available in his office and nor available in the office of Shri Rakesh Kumar and now they are passing the buck on to PIO-cum-SDM/Mehrauli. It is pertinent to mention that Shri Pawan Kumar, SDM/HQ, has enough time before coming to the instant hearing to obtain the information by invoking the provisions of Section 5 (4) of the RTI Act and provide it to the Appellant. But he chooses neither to serve a copy of the previous order on the then PIO during the relevant time nor has informed the PIO-cum-SDM/Mehrauli to attend the instant hearing and provide the information to the Appellant. The Commission is irked to note that the PIO's onus of replying to the instant RTI Application is being passed on like a football from one office to another which also raised doubt that information has not been given to the Appellant with mala fide intent.

11. It is established that even after the lapse of more than 2 years of time, the Respondent Public Authority is yet to ascertain the actual custodian of the information. The Commission treats this as a blatant error and a willful violation of the provisions of the RTI Act for which the Respondents are admonished. The written explanation provided by Shri Pawan Kumar, SOM/HQ is nothing but an eyewash. In view of the above, inaction on the part of the then deemed PIO Shri Rakesh Kumar, who is currently serving as ADM (HQ) and was holding the charge of PIO/SOM (Vigilance)/Saket, at the relevant period and Shri Pawan Kumar, SOM/HQ, is prima facie established. The act of the then PIOs' is deliberate, and mala fide is established on their part and therefore, the Commission finds it a fit case for imposition of penalty under provisions of section 20 (1) of RTI Act. **Hence, a penalty of Rs. 2,500/- (Rupees Twenty-Five Hundred only) each is hereby imposed on them.** This penalty amount shall be deducted from ensuing salaries of Shri Rakesh Kumar, who is currently serving as ADM (HQ) and was holding the charge of PIO/SOM (Vigilance)/Saket, at the relevant period and Shri Pawan Kumar, SOM/HQ, by the Respondent Public Authority and paid by way of demand draft drawn in favor of "PAO, CAT", New Delhi, forward the demand drafts addressed to the Deputy Registrar (CR-II), email: dyregcr2-cic@gov.in Room No. 106, First Floor, Central Information Commission, Baba Gangnath Marg, Munirka, New Delhi 110067. The aforesaid penalty amount should reach the Commission by 30.09.2025."



2. A perusal of the entire order would, nowhere, suggests that the present petitioner was responsible for withholding the information or has not timely acted upon the request made by the original applicant. No doubt, the CIC under Section 20(1) of the Right to Information Act, 2005 is empowered to impose the penalty, but the penalty has to be on the basis of some material which would justify such an action. The penalty has a wider ramification for the Government Officials. Order of penalty has civil consequences. It has to be on a proven breach and not on assumption or allegation. Mere technical or trivial deviations do not justify order of imposing penalty. Since there is no specific attributes against the petitioner, therefore, the order of penalty suffers with material illegality and the same is, therefore, set aside *qua* the petitioner.

3. The petition stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

FEBRUARY 3, 2026

aks/ap