

(2023) 01 DEL CK 0094

In the Delhi High Court

Case No : Civil Writ Petition No. 652 Of 2023, Civil Miscellaneous Application No. 2523 Of 2023

Central Public Information Officer Vigilance Organisation
Southern Railway

APPELLANT

Vs

T J Jayesh

RESPONDENT

Date of Decision : 19-01-2023

Acts Referred:

Right to Information Act, 2005 — Section 8(1)(e), 8(1)(h)

Citation : (2023) 01 DEL CK 0094

Hon'ble Judges : Prathiba M. Singh, J

Bench : Single Bench

Advocate : Balendu Shekhar, Sriansh Prakash, R.K. Maurya, Krishna Chaitanya

Final Decision : Disposed Of

Judgement

Prathiba M. Singh, J

1. This hearing has been done through hybrid mode.

CM APPL.2523/2023 (for exemption)

2. Allowed, subject to all just exceptions. Application is disposed of.

W.P.(C) 652/2023

3. The present petition challenges the impugned order dated 11th July, 2022 passed by the Central Information Commissioner (CIC) by which the information sought by the RTI Applicant/ Respondent – TJ Jayesh has been permitted to be disclosed.

4. The RTI Applicant/ Respondent had filed an RTI Application dated 2nd January, 2021 seeking the following information.

"1. Copy of letter No: VO/DC/T/2018/03/00985/TVC dated 01.07.2020 issued from Head Quarters Office, Vigilance Branch, Southern Railway.

2. Copy of letter dated 03.06.2020 referred in above communication as available in the file at Head Quarters Office, Vigilance Branch, Southern Railway.

3. Complete file noting leading issue of letter No: VO/DC/T/2018/03/00985/TVC dated 01.07.2020."

5. Vide order dated 27th January, 2021, the Petitioner - CPIO, Vigilance Organisation, Southern Railways disposed of the said RTI application by stating that information sought in serial no. 1 and 2 is restricted under Section 8(1)(e) of RTI Act, 2005 and the information sought in serial no. 3 is exempted from disclosure under section 8(1)(h) of RTI Act, 2005. Aggrieved by the same, the RTI Applicant/ Respondent filed first appeal before the Appellate Authority, Vigilance Organisation, Southern Railways. In the said first appeal the information sought in serial nos.1 & 2, was denied on the ground that the same cannot be issued as it is held in a fiduciary relation and insofar as the information at serial no.3 is concerned, it was claimed to be exempted under Section 8(1)(h) of the RTI Act, 2005.

6. Thereafter, the RTI Applicant/ Respondent filed a second appeal before the Central Information Commission (CIC). The CIC passed the impugned order dated 11th July, 2022 in the following terms:

"Ms Anju , wife of the Appellant, while reiterating the contents of the RTI Application submitted that he had sought details of the vigilance and departmental proceedings on his dismissal case. Therefore he requires this information to prove his innocence in a court case.

The Respondent in reply said that personal information of any person cannot be disclosed until it is in public interest.

Keeping in view the facts of the case and the submissions made by both the parties, the Commission observes that the Appellant wants to get the information to get justice in the court. Therefore the Commission directs the CPIO to furnish a cogent, correct and point wise reply to the Appellant in accordance with the spirit of transparency and accountability as enshrined in the RTI Act, 2005 within a period of 30 days from the date of receipt of this order under the intimation to the Commission. The Respondent may redact the personal details of the third parties."

7. Ld. counsel for the Petitioner submits that the purpose of obtaining information is for use in proceedings before the Vigilance Organisation, Southern Railways in respect of the dismissal of an employee. Thus, the CIC has allowed the RTI application.

8. In the opinion of this Court, the present case would not be covered either by Section 8(1)(e) or Section 8(1)(h) of the RTI Act, 2005, inasmuch as the information being sought is in respect of individual and there is no prosecution or investigation, which would be effected by the disclosure of the said information. Moreover as per the judgements of Pyare Lal Verma v. Ministry of Railways

(Appeal No. CIC/OK/A/2006/00154) and Satyapal v. CPIO, TCIL (Appeal No. ICPB/A-1/CIC/2006) file notings have also been held to be an information which is liable to be disclosed in response to an RTI application.

9. In view of this position, the impugned order is not liable to be interfered with. However, in view of the fact that time has elapsed for the compliance of the impugned order, one month time is granted to the Petitioner to comply with the impugned order dated 11th July, 2022 passed by the CIC.

10. The petition, along with all pending applications, are disposed of.