

(2012) 09 DEL CK 0179
In the Delhi High Court
Case No : L.P.A. No. 608 of 2012

Chandan Kumar Chandan and Others	Vs	APPELLANT
Dr. A.A. Khan and Others		RESPONDENT

Date of Decision : 11-09-2012

Acts Referred:

Citation : (2012) 09 DEL CK 0179

Hon'ble Judges : A.K. Sikri, Acting C.J.;Rajiv Sahai Endlaw, J

Bench : Division Bench

Advocate : Rajiv Bansal and Mr. Devvrat Singh Raghav for R-6, for the Respondent

Final Decision : Dismissed

Judgement

Rajiv Sahai Endlaw, J.—This intra-court appeal impugns the judgment dated 20.03.2012 of the learned Single Judge dismissing W.P.(C) No. 8770/2011 preferred by the three appellants. The said writ petition was preferred impugning the orders dated 30.09.2011 and 29.11.2011 of the Central Information Commission (CIC) constituted under the Right to Information Act, 2005. The learned Single Judge dismissed the writ petition observing that the orders dated 30.09.2011 and 29.11.2011 were in fact in favour of the appellants and the grievance of the appellants was in fact of non compliance thereof and the information supplied being contradictory. The learned Single Judge held that the said grievance could not be raised by way of writ petition in the first instance and the remedy of the appellants was elsewhere.

2. Though this appeal is accompanied with applications for condonation of 14 days delay in filing the appeal and 89 days delay in re-filing the appeal, but we, without advertng thereto, have heard the appellant No. 1, appearing in person.

3. The appellants had vide application dated 10.02.2010 sought certain information from the Information Officer of the University of Delhi. Aggrieved by the information provided, the appellants filed a First Appeal under the RTI Act

alleging the information supplied to be misleading and contradictory. The First Appellate Authority vide letters dated 16.04.2010 and 27.04.2010 disposed of the appeal stating that the information as available had been provided. Aggrieved therefrom, the appellants had approached the CIC.

4. CIC vide its order dated 06.01.2011 held, that it was evident from the perusal of the documents of the case that the Information Officer had provided the information available with him; however since the appellants were far from satisfied with the information, they were given liberty to seek inspection of the concerned files / records of the case and the Information Officer was directed to co-operate in the inspection if any of the files by the appellants.

5. The appellants however on 15.01.2011 approached the CIC averring that the order dated 06.01.2011 was in their absence and without hearing them. The CIC, it appears, set aside the order dated 06.01.2011 and re-heard the matter on 24.03.2011. It was the submission of the appellants on that date that the Information furnished by the Information Officer to them was wrong. The same was sought to be demonstrated by showing contradiction in the letter of the Deputy Proctor of the University on which basis the Information Officer of the University of Delhi had supplied the information and the information supplied by the Information Officer. This plea of the appellants was contradicted by the University. The CIC vide order of 24.03.2011 held that RTI is not the proper forum to agitate the issues raised; however still, the Information Officer of the University of Delhi was directed to forward the RTI application of the appellants to the Information Officer of Pandit Deendayal Upadhyaya Institute for the Physically Handicapped (PDDUIPH) and the Information Officer of PDDUIPH was directed to file an affidavit with the CIC as to the information concerned.

6. The appellants preferred W.P.(C) No. 2514/2011 against the order dated 24.03.2011 of the CIC. The said writ petition was dismissed vide order dated 21.04.2011.

7. It appears that the Information Officer of PDDUIPH did not file the affidavit as directed vide the order dated 24.03.2011 of the CIC and on the contrary vide communication dated 25.04.2011 sought further hearing in the matter.

8. The appellants filed W.P.(C) No. 5796/2011 in this Court averring that neither had the affidavit, as directed been filed nor had the CIC held the hearing sought by the Information Officer of PDDUIPH. The said writ petition was disposed of vide order dated 11.08.2011 directing the CIC to take up the matter and dispose of the same within two months.

9. It was thereafter that the matter was taken up by the CIC on 30.09.2011. However, it appears that the Information Officer of PDDUIPH absented on medical grounds. CIC vide order dated 30.09.2011 directed the Information Officer of PDDUIPH to appear on 29.11.2011.

10. Vide order dated 29.11.2011, CIC directed the Information Officer of

PDDUIPH to file the affidavit in terms of order dated 24.03.2011 within one week.

11. Challenging the orders dated 30.09.2011 and 29.11.2011, the writ petition from which this appeal arises was filed. As aforesaid, the order dated 30.09.2011 is merely of adjournment on medical grounds and the order dated 29.11.2011 is of extending the time for filing of the affidavit in terms of earlier order dated 24.03.2011. We may highlight that the writ petition against the order dated 24.03.2011 already stands dismissed.

12. We have set out the facts chronologically, since this appeal has been filed in person and the appellant No. 1 had argued in person. We however fully agree with the learned Single Judge that there is no case for the appellants to be aggrieved from the orders dated 30.09.2011 and 29.11.2011 and that the other grievances made by the appellants in the writ petition cannot be made in the first instance before this Court.

13. Before parting with the matter, we may also mention that the appellants had also preferred LPA No. 560/2012 which also, we are vide separate judgment, dismissing today. A perusal of the two files discloses that the appellants, who were students of PDDUIPH have inundated the said Institute with applications under the RTI Act. We, prima facie find the appellants to be abusing the process of the said Act. However, we refrain from giving any definite finding in this regard or from imposing any costs on the appellants since we have not heard the parties on the said aspect and further since the appellants are pursuing the matter on their own. We do not find any merit in the appeal. The same is dismissed. No costs.