
(2015) 05 DEL CK 0417

In the Delhi High Court

Case No : Civil Writ Petition No. 1972 Of 2014

R.K. Jain

APPELLANT

Vs

Central Information Commission

RESPONDENT

Date of Decision : 22-05-2015

Acts Referred:

Citation : (2015) 05 DEL CK 0417

Hon'ble Judges : Rajiv Shakdher, J

Bench : Single Bench

Advocate : J.K. Mittal, Rajveer Singh, Dr. L.C. Singhi

Final Decision : Disposed Of

Judgement

Rajiv Shakdher, J

CM No. 9392/2015 (for directions by petitioner)

1. This is an application filed in a disposed of writ petition. The petition was disposed of on 22.08.2014 based on the statement made on behalf of the respondent, i.e., the Central Information Commission (in short the CIC), that the petitioner's complaint will be considered and preferably disposed of within a period of six months.

2. Learned counsel for the petitioner says that even though six months have passed, no decision has been taken in the matter. It is the contention of the learned counsel for the petitioner that this situation obtains as there is no Chief Information Commissioner in place. For this purpose, he has drawn my attention to letter dated 13.05.2015 issued to the petitioner by registrar of CIC.

2.1 Learned counsel for the petitioner has also drawn my attention to an order dated 10.04.2015, passed by me, in WP(C) No. 3283/2015 wherein, a direction had been issued that the writ petitioner's appeal, pending with the CIC, in that case, would be taken up for adjudication by the senior most Information Commissioner.

3. Dr. Singhi, who appears on advance notice on behalf of the respondent, says that order dated 10.04.2015 was passed in the circumstances obtaining in that particular case. It is his contention that each Information Commissioner, presently in position, carries a heavy case load and, therefore, no general direction can be issued.

4. I have considered the contention of the learned counsels for the parties. While, Dr Singhi may be correct with regard to according expedition in the matters on account of heavy case load, the position taken in the communication dated 13.05.2015, issued to the petitioner, that no matter, which has been administratively allocated to the Chief Information Commissioner, will be dealt with, till a Chief Information Commissioner is in position, leads to delays and complications, which can be avoided. The Right to Information Act, 2005 does not prohibit the matters to be taken up by Information Commissioner. That is not even the position taken by Dr. Singhi.

5. In these circumstances, it is felt necessary to direct the CIC to distribute the cases, allocated administratively to the Chief Information Commissioner, to all Information Commissioners, who will then take up the matters according to seniority, and wherever necessary, expedite the hearing in the cases falling within their respective domains.

6. Mr Singhi tells me that, broadly two types of cases are set down for expedited hearing. The first of kind being, those which relate to senior citizens, and the other category being, those which pertain to persons suffering with disability.

7. In my view, the CIC will have to re-visit the issue, as there may be other categories which may also require expedition, such as those which concern life and liberty. The CIC should, therefore, re-visit this issue and examine as to whether there are other categories of cases which could require expedited hearing.

7.1 Apart from this, the CIC, in my view, should maintain a register digitally or otherwise, which should record the date of institution of each case, so that matters which are not set down for expediting hearing, can be taken up chronologically.

8. In so far as the petitioner is concerned, the Information Commissioner, in terms of the aforesaid order, will take suitable action in the matter.

9. With the aforesaid directions in place, the application stands disposed of.