

(2012) 02 DEL CK 0378

In the Delhi High Court

Case No : Writ Petition (C) No. 8688 of 2011

R.K. Jain

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 15-02-2012

Acts Referred:

Citation : (2012) 277 ELT 151

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

Bench : Division Bench

Advocate : Pranav Sachdeva, for the Appellant; Akash Deep, JS (law), for the Respondent

Judgement

1. In this writ petition filed by the petitioner in public interest, the issue raised is of vacancies in the posts, in the office of Chief Information Commissioner, as well as the subordinate staff. It is submitted that at present more than 20,000 cases are pending disposal before the Central Information Commission and with the spreading awareness amongst the public, more and more cases are being filed and piling up before the CIC. The petition points out that under the Right to Information Act, information is required to be furnished within 30 days of filing of the application; however, for want of requisite numbers of Information Commissioners and the supporting staff when the appeal itself is not taken up for substantial time and it takes almost two years from the date of filing of the appeal till its hearing, the very purpose of seeking information under the Right to Information Act is defeated. The prayer made in this writ petition is that suitable directions be given to respondents to fill up the vacancies of Information Commissioners as well as the supporting staff. The total sanctioned strength of Information Commissioner is 10 in addition to Chief Information Commissioner. Apart from CIC, 5 Information Commissioners are in position which means there are 5 vacancies of Information Commissioners. Insofar as supporting staff is concerned, there are 160 sanctioned posts. As against this sanctioned strength, 131 persons are working. Even out of these 131 persons, persons appointed on

regular basis are 30. Others are either out sourced or on contract or ad-hoc basis. Notice was issued in this writ petition and the respondents were directed to place on record the steps which are taken by the respondents for filling up of these vacancies. Status Report is filed by the Department of Personnel and Training (DoPT). As per this Status Report, for filling up of the post of Information Commissioners, a Search Committee headed by the Cabinet Secretary, Government of India, with Principal Secretary to the Prime Minister, Secretary, HRD, Secretary (Law), Secretary (DoPT) and Chairman (NDDB) as its Members is constituted. It has been decided that the Search Committee would suggest a panel of persons to the Selection Committee and the Search Committee shall also decide its own modalities while suggesting the panel. The Search Committee held its meeting on 7th October, 2011 and decided that applications from interested persons for appointment as Information Commissioners be invited by posting a public notice on website of DoPT. A Circular in this behalf was posted on the website on 29th October, 2011. It is mentioned that 214 applications have been received which include 102 applications from serving government employees, 49 applications from retired government employees and 63 applications from private individual of various background. These applications were tabulated and submitted to the Search Committee. The Search Committee held its meeting on 25th November, 2011. The Report further mentions that the recommendations of the Search Committee are awaited and once that is received, the same would be submitted to the Selection Committee for taking a final decision in the matter.

2. Since the appointment of the Information Commissioners are to be made on urgent basis having regard to the quantum of appeals pending before the CIC, we would impress upon the Search Committee to complete its exercise of recommending the panel to the Selection Committee as early as possible. As the first meeting for this purpose was held on 25th November, 2011 and that too, more than 2 1/2 months ago, we hope and expect that the panel shall be suggested by the Search Committee within one month from today. It is also expected that thereafter the Selection Committee shall also take final decision about the Information Commissioners.

3. Insofar as appointment of subordinate staff is concerned, the Status Report reveals that it has been decided in consultation with CIC that CIC should be granted autonomy in recruitment of staff. Keeping in view, Recruitment Rules are being framed for selection and appointment of suitable staff in consultation with the UPSC.

4. As the decision in principle has already been taken that CIC is to be given autonomy and it is left to CIC to recruit the staff, the framing of Rules should not take time as most of the posts are similar to which are in any government establishment and those Recruitment Rules of the Government can always be adopted specifying the eligibility conditions as well as mode of recruitment etc.

5. We, therefore, direct that this exercise of framing of Recruitment Rules be

completed within a period of one month to enable the CIC to start the process of recruitment.

6. This writ petition is disposed of in the aforesaid terms. A copy of this order be given dasti to the learned counsel for the respondent under the signatures of Court Master.