
(2015) 03 UK CK 0071

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 2089 of 2013

Surendra Aggarwal

APPELLANT

Vs

Chief Information Commissioner and Others

RESPONDENT

Date of Decision : 03-03-2015

Acts Referred:

Right to Information Act, 2005 — Section 18

Citation : (2015) 3 UC 1908

Hon'ble Judges : S.K. Gupta, J.

Bench : Single Bench

Advocate : Shailendra Nauriyal, Advocate, for the Appellant; Vipul Sharma, Advocate, for the Respondent

Final Decision : Dismissed

Judgement

S.K. Gupta, J.—Petitioner Surendra Agarwal has challenged the legal validity of the order dated 13.8.2013 passed by the State Information Commissioner, Uttarakhand, whereby it has been expected from the District Magistrate, Dehradun to take cognizance of the observations made by the Commission and to invoke his authority for taking appropriate action against the delinquent Surendra Agarwal, so that the officers/ministerial staff in the office of the State may discharge their duties without fear and favour, nay the persons seeking bona fide information(s) in exercise of their right, conferred under the Right to Information Act, 2005 (hereinafter to be referred as the Act), may not feel ashamed or embarrassed, inasmuch as, the genuine persons indulged in the noble calling of journalism may not be in desperation. Rather, a message should go to each and every government servant to act in accordance with law and to supply the information as postulated under the Act. Feeling aggrieved, Mr. Surendra Agarwal has come up before this Court by means of this writ petition. To understand the background, it is pertinent to note that Mr. Surendra Agarwal, posing himself to be the President at state level of the organization under the title RTI Mission Uttarakhand, was found by the Commission indulged in seeking

information from innumerable offices of the State Government asserting his right under the Act. In the impugned judgment crafted by the Commission elaborately, inasmuch as, running in thirty pages, it is divulged that the information was sought by Mr. Agarwal, regarding the personal details of Supply Inspector Ms. Ganga Joshi, another Supply Inspector Ms. Suman Majhola and the District Supply Officer Mr. Shyam Lal Arya, where for he moved three distinct applications in the months of January, February and March, 2013 respectively. These information(s) were replied by the Public Information Officer of the concerned office as far as possible and permissible under the Act with the remark that if the applicant was not satisfied with the information, so supplied, then he himself was, at his liberty, could inspect the relevant record in the office.

2. Feeling disgruntled with the respective replies, Mr. Aggarwal preferred first appeal to the Officer viz. District Collector, as envisaged under the Act, who endorsed the reply of the Public Information Officer and rejected the appeal.

3. So, the petitioner Surendra Aggarwal preferred three second appeals which were collectively rejected by the Information Commissioner vide the impugned order.

4. It was argued by learned counsel for the petitioner that the Information Commissioner, in exercise of its powers under Section 18 of the Act, did not have any scope to make such observations and express its expectation to the District Magistrate because at the most, he could have decide the second appeal in negation but the Act does not provide him an authority to make such observation or make any expectation from the District Magistrate.

5. This Court has perused all the three applications moved by the petitioner and feels that the attempt of Mr. Aggarwal in asking several questions in his applications was quite mischievous to meet his nefarious design. He has no concern with the nature of questions or their answers, as entailed in his all three applications. Any of the questions in any manner cannot be attributed to be in public interest, as has been contemplated under the Act. The detailed observations of the Commission as based upon the elaborate reasons and grounds, with all background, are sufficient to explain that Mr. Aggarwal is in the habit of blackmailing public officials/officers for the reasons best known to him, and those reasons could be nothing else but having only the mala fides behind them. Asking such questions under the guise of the Act is nothing less than intimidating a public servant/officer and hampering the course of their duty which they are legitimately bound to do. Exerting such illegitimate/illegal pressure upon the public servant certainly impedes their functioning and to eliminate such nefarious designs of the persons like petitioner--Surendra Aggarwal, the Court feels that the Commission has rightly passed the order, for all the more reason, that the District Magistrate, after all, is responsible to maintain the law and order/public order and to ensure the safety in all public offices in the district. The Court feels that the District Magistrate should promptly act upon the observations, as expressed by the State Information Commissioner,

Uttarakhand, vide the impugned order dated 13.8.2013.

6. For the reasons as discussed hereinabove, the petition fails and the same is thus, dismissed. Interim order dated 30.8.2013 is vacated accordingly. Let a copy of this judgment and order be sent to the Uttarakhand State Information Commissioner for information.