

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 5557/2023

(Arising out of impugned final judgment and order dated 22-03-2022 in LPA No. 734/2018 passed by the High Court Of Delhi At New Delhi)

UNION OF INDIA

Petitioner(s)

VERSUS

CENTRAL INFORMATION COMMISSION & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.44955/2023-CONDONATION OF DELAY IN FILING and IA No.44956/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 11-04-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.R. SHAH

HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s) Mr. Tushar Mehta, Solicitor General
Mr. Mukesh Kumar Maroria, AOR
Mr. Zoheb Hussain, Adv.
Mr. Kanu Agarwal, Adv.
Mr. Shyamal Kumar, Adv.
Mr. Rajat Nair, Adv.
Ms. Ruchi Gour Narula, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

Respondent No. 2 has prayed for the following information under the Right to Information Act, 2005 (for short, the RTI Act')-

"(1) copies of all the seniority list in respect of LDCs for the period of 1991 till date;

(2) copies of the proposal for promotion of LDCs placed before the DPC together with copies of the Minutes of the Meetings and copies of the promotion orders issued on the recommendations of the DPC from time to time."

contd..

It was the case on behalf of the appellant that the appellant/Directorate of Enforcement, being in the Second Schedule of the RTI Act, the RTI Act shall not be applicable/applied to the said Organisation. However, the High Court by the impugned judgment and order has observed that the "information sought can be said to pertaining to the human rights violations" and therefore, Section 24 of the RTI Act shall not be applicable.

Though, we do not approve the reasoning given by the High Court, however, taking into consideration the fact that what was sought was the service record, namely, seniority list and copies of the proposal for promotion of the Lower Division Clerks placed before the DPC, keeping the question of law open, whether on other aspects or with respect to other information whether RTI Act shall be applicable to the appellant or not, we do not entertain the present Special Leave Petition in the peculiar facts and circumstances of the documents sought.

At the cost of repetition, it is observed that we do not approve the reasoning given by the High Court. However, still, for the reasons stated hereinabove, we refuse to entertain the present Special Leave Petition, keeping the question of law open.

Pending application(s), if any, shall stand disposed of.

(NEETU SACHDEVA)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
ASSISTANT REGISTRAR