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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **LPA 20/2019**

FOOD CORPORATION OF INDIA

..... Appellant

Through: Mr.Manoj, Adv. with Ms.Aparna
Sinha, Adv.

Versus

CENTRAL INFORMATION

COMMISSIONER & ANR

..... Respondents

Through: None.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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15.01.2019

C.M.No.1474-75/2019 (exemptions)

Allowed, subject to all just exceptions.

LPA No.20/2019 & C.M.No.1473/2019 (stay)

1. Seeking exception to an order dated 15th November, 2018 passed by the learned writ Court in W.P.(C) No.11897/2016, this appeal has been filed under Clause 10 of the Letters Patent. The writ petition was filed by the appellant challenging an order dated 24th October, 2016 passed by the Central Information Commission ('CIC') primarily on the ground that the information sought for by the respondent No.2 under the Right to Information Act, 2005 ('RTI Act') comes within the category of personal information which stands exempted from disclosure under Clause (j) of Section 8(1) of the RTI Act.

2. Placing reliance upon various judgments of the Supreme Court, particularly, the judgment in the case of *Girish Ramchandra Deshpande vs. Central Information Commissioner & Anrs.* (2013) 1 SCC 212, it was argued that disclosing information pertaining to income tax return or other information like show cause notice issued or memos issued to an employee are personal information and they cannot be disclosed. The same having been rejected by the learned writ Court, this appeal has been filed under Clause 10 of the Letters Patent.

3. The learned writ Court has found that the information sought for by the person concerned, namely, the respondent No.2 were the action taken on his complaint dated 29th November, 2014, 22nd October, 2014 and 29th May, 2014 and the copies of the charge sheet, the report of inquiry and the punishment order imposed upon the employees/ex-employees of the appellant. The learned writ Court has found that these are information which cannot be termed as personal information and has distinguished the cases relied upon by the appellant by holding that they pertain to information contained in the income tax return or other details with regard to income of a private person and, therefore, it could not be parted with.

4. However, in the present case, on complaints filed by the respondent No.2, the appellant corporation initiated departmental inquiries against various officers on the basis of the complaint filed by respondent No.2 and the officers were punished in the departmental inquiry. Once a departmental inquiry into the complaint is held and they are punished, it is held by the learned writ Court that nothing remained information which is personal

information but is information available to the public at large and, therefore, the same cannot be denied. Taking note of the totality of the circumstances and the nature of the information sought for, we are of the considered view that by directing for its issuance, the learned writ Court has not committed any error warranting any interference.

5. In the case of *Girish Ramchandra Deshpande (supra)* the information sought for pertained to information which finds place in the income tax return of the person concerned. Even though it was in the form of memos or show cause notices but they related to movable or immovable property, details of investment, bank account and various other issues pertaining to him and his family, particularly, their finance and property and, therefore, classified it as a personal information. The order passed in *Girish Ramchandra Deshpande (supra)* was said to be covered under clause (j) of Section 8(1) and the learned writ Court has found that in this case, the information sought for does not fall in the category as was considered in the case of *Girish Ramchandra Deshpande (Supra)*. In our considered view, in doing so, the learned writ Court has not committed any error warranting reconsideration.

6. The appeal is accordingly dismissed along with the pending application.

CHIEF JUSTICE

V. KAMESWAR RAO, J

JANUARY 15, 2019

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