



2025:DHC:9144



\$~125

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

%

Date of Decision: 09.10.2025+ **W.P.(C) 15455/2025****DHARAMVEER**

.....Petitioner

Through: Ms. Dacchita Shahi, Adv. along with
Mr. Akshat Singh and Mr. Utkarsh
Kandpal, Advocates.

versus

UNION OF INDIA & ANR

.....Respondents

Through: Mr. Jagdish Chandra and Mr. Sujeet
Kumar, Advocates.**CORAM:****HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (ORAL)**

1. The petitioner has filed the present petition praying as under –

*“a. Issue a Writ, order or direction to set aside the impugned final order dated 04.04.2025 passed by the CIC in Complaint No. CIC/MLABE/C/2023/135170;**b. Issue a Writ of Mandamus or any other appropriate writ, order, or direction, directing the CIC to decide the Petitioner's complaint afresh after providing a proper and effective hearing to the Petitioner;**c. Issue a direction to the Respondent No. 2 to conduct a proper inquiry into the conduct of Respondent No. 2 (CPIO) for the delay in providing information, to pass appropriate orders for the imposition of a penalty under Section 20 of the RTI Act, 2005;**d. Award Compensation to the Petitioner and costs of this litigation;”*

2. The petitioner had earlier filed a labour claim (MWA/198 to 202/2019) which was reserved for orders on 24.08.2022. When no decision was communicated, the petitioner filed an RTI Application dated 13.03.2023. The English translated version of the said RTI application (annexed with the petition) is reproduced as under –

“Subject: Application under Section 6(1) of the Right to Information Act, 2005, filed on 13 March 2023.



2025:DHC:9144



Sir,

(1) A decision was made in your office in August 2022. By when will I receive the decided copy related to it? Provide this information in terms of day and month. Also, provide the list in Hindi.

Sir,

(2) Why has there been such a long delay in providing the decision copy from August 2022 until now by your office? State the correct reason for it. Also, provide the list in the national language, Hindi.

Sir,

(3) How many cases are pending in your office from the year 2019 to the year 2023? Provide their number. Also, provide the list in the national language, Hindi.

Fee of ten rupees paid via note no. 71E 928717.

Case Number is mentioned above."

3. The CPIO replied to the said application on 17.04.2023. The English translated version of the same (annexed with the petition) reads as under –

"Sir,

With reference to the above subject, your application dated nil, which was received in this office on 24.03.2023 through Shri Rahul Tyagi, Regional Labour Commissioner (C), HQ I Nodal Officer, RTI Act, 2005, Office of the Chief Labour Commissioner (C), New Delhi's letter No. 6/56/2023 - Coordination dated 23.3.2023, the related point-wise information is as follows:-

1. The claim mentioned by the applicant was reserved for order on 24.8.2022. in which the order could not be passed. In the interim, a new authority has been given the additional charge of Regional Labour Commissioner (C), New Delhi, hence a formal hearing is required in the said claim, which has been scheduled for 28.4.2023. A copy of the notice is attached.

2. A total of 787 claim applications are pending in this office from the year 2019 to 2023.

3. The said information has been provided in the national language, Hindi. The name and address of the First Appellate Authority under the RTI Act, 2005 are as follows:- Dr. R. G. Meena, Dy. Chief Labour Commissioner (Central), "Shramev Jayate Bhawan" G-4, Ground & First Floor, Sector-10, Dwarka, New Delhi-110075."

4. The grievance of the petitioner is that though the RTI application was delivered on 14.03.2023, the CPIO replied only on 17.04.2023, beyond the statutory 30-day limit under Section 7(1) of the RTI Act, 2005.



2025:DHC:9144



5. Aggrieved by the delay, the petitioner filed a First Appeal dated 15.05.2023. The First Appellate Authority (FAA), decided the appeal of the petitioner vide order dated 15.06.2023. The English translated version of the same (annexed with the petition) reads as under -

“Reference is drawn to the appeal dated 15.5.2023 from Shri Dharamveer... received in this office on 16.5.2023, against the information provided by the Assistant Labour Commissioner (Central), Delhi / CPIO under the RTI Act, 2005. After careful observation and examination of the RTI request application dated nil, received through the letter of the Regional Labour Commissioner (Central) HQ dated 23.3.2023, it is observed that the appellant had sought information about cases filed under the Minimum Wages Act, 1948 and the Assistant Labour Commissioner (Central), Delhi-Ill / CPIO has not provided the information within 30 days under the RTI Act, 2005, and this is wrong.

The Assistant Labour Commissioner (Central), Delhi-Ill /CPIO was requested to submit his comments via this office's letter of even number dated 19.5.2023. The CPIO submitted his comments vide his letter No. ND.95(21)/2023-RTI dated 22.5.2023 and 14.6.2023, stating that information was provided to the appellant via letter No. 95(21)/2023-RTI dated 17.4.2023, and along with it, a copy of the notice No. MWA 198 to 202/2019 dated 6.4.2023 for the hearing scheduled for 28.4.2023 before the Regional Labour Commissioner (Central) & Authority under the Minimum Wages Act, 1948, was also provided.

It was also stated that a hearing was held in the appellant's claim case on 28.4.2023 before the RLC(C), New Delhi, and the case is now scheduled for hearing on 17.7.2023, and a notice No. MWA-198 to 202/2019/900006484 dated 7.6.2023 has been issued to the appellant as well as other parties in this regard, which is sufficient. Accordingly, the appeal is disposed of.

The address of the Second Appellate Authority is as follows: Central Information Commissioner, August Kranti Bhawan, Bhikaji Cama Place, New Delhi.

Issued under my signature and seal today, June 15, 2023.

(Dr. R.G. Meena) Dy. Chief Labour Commissioner (Central), New Delhi & First Appellate Authority under RTI Act, 2005”

6. It is submitted that though the FAA acknowledged that the CPIO's failure to provide information within 30 days was “wrong”, however, it took no corrective or punitive action against the CPIO.

7. Consequently, the petitioner filed a Complaint/Second Appeal before



2025:DHC:9144



the CIC on 21.08.2023, seeking imposition of the penalty under Section 20(2) of the RTI Act for willful delay and dereliction of duty by the CPIO and the FAA.

8. It is submitted that the CIC heard the matter on 04.04.2025, providing the petitioner an opportunity to be heard telephonically. However, it is submitted that the hearing lasted barely one minute before being disconnected, denying him right to be heard properly.

9. Thereafter, the CIC passed the impugned order dated 04.04.2025, dismissing the complaint with the observation that “no malafide intent on the part of the respondent is proved” and, consequently, refused to initiate action under Section 20 of the Act. The English translated version of order dated 04.04.2025 (annexed with the petition) reads as under -

“Facts: The applicant, through his application dated 13.03.2023, had sought information under three points regarding a claim on which a decision was taken in August 2022. He asked for the potential time it would take to send him a copy of the decision and the reason for the delay, etc.

As per the facts available in the file, the CPIO, Assistant Labour Commissioner, Central, sent the point-wise information to the applicant via letter dated 17.04.2023, in which the applicant was informed that the claim in question was reserved for orders on 24.08.2022 and the next date of hearing in it has been fixed for 28.04.2023.

Being dissatisfied with the reply received, the applicant filed a first appeal. The First Appellate Authority, concurring with the information provided by the CPIO in his order, sent the information about the next date of hearing in the matter in question.

In light of the judgment given by the Supreme Court in Chief Information Commr. & Anr vs State Of Manipur & Anr ((Arising out of S.L.P(C) No.32768- 32769/2010)), the Commission's responsibility with respect to a complaint filed under Section 18 of the Right to Information Act, 2005 is only to examine whether there was any malafide intent on the part of the respondent in sending the information or in not sending the reply within the stipulated time. If there is malafide intent, the Commission can institute penal proceedings under Section 20 of the Right to Information Act. In the opinion of the Commission, a timely and appropriate reply was sent to the applicant. Therefore, no malafide intent on the part of the



respondent is proved. Hence, no action can be initiated against the CPIO under Section 20 of the Right to Information Act.

However, the Commission directs the CPIO to send a written submission to the Commission within 15 days of the receipt of this order, outlining the reasons for not being present during the hearing despite the issuance of a notice by the Commission.

Thereafter, if necessary, further action will be initiated in this matter.

The present complaint is disposed of as per the above.”

10. Having perused the impugned order passed by the CIC, this Court finds no reason to interfere with the said order.

11. The CIC has rightly observed that penal proceedings under Section 20 of the RTI Act can be initiated only upon the establishment of malafide intent on the part of the CPIO.

12. The Commission has recorded that a timely and appropriate reply was provided to the petitioner and that no malafide intention on the part of the CPIO has been established. Accordingly, no action is warranted under Section 20 of the Act.

13. In ***Registrar of Companies & Ors v. Dharmendra Kumar Garg & Anr***, 2012:DHC:3833, this Court has observed as under –

“The legislature has cautiously provided that only in cases of malafides or unreasonable conduct, i.e., where the PIO, without reasonable cause refuses to receive the application, or provide the information, or knowingly gives incorrect, incomplete or misleading information or destroys the information, that the personal penalty on the PIO can be imposed. This was certainly not one such case. If the CIC starts imposing penalty on the PIOs in every other case, without any justification, it would instill a sense of constant apprehension in those functioning as PIOs in the public authorities, and would put undue pressure on them. They would not be able to fulfill their statutory duties under the RTI Act with an independent mind and with objectivity. Such consequences would not auger well for the future development and growth of the regime that the RTI Act seeks to bring in, and may lead to skewed and imbalanced decisions by the PIOs Appellate Authorities and the CIC. It may even lead to unreasonable and absurd orders and bring the institutions created by the RTI Act in disrepute.”



2025:DHC:9144



14. In *Bhagat Singh v. Chief Information Commissioner & Ors*, 2007 SCC OnLine Del 1607 , this Court made the following observation -

“17. This Court takes a serious note of the two year delay in releasing information, the lack of adequate reasoning in the orders of the Public Information Officer and the Appellate Authority and the lack of application of mind in relation to the nature of information sought. The materials on record clearly show the lackadaisical approach of the second and third respondent in releasing the information sought. However, the Petitioner has not been able to demonstrate that they malafidely denied the information sought. Therefore, a direction to the Central Information Commission to initiate action under Section 20 of the Act, cannot be issued.”

15. In the present case, the petitioner’s sole grievance pertains to a marginal delay in furnishing of the RTI reply by the CPIO. This Court is of the view that such a marginal delay, in the absence of any evidence indicating malafide intent or deliberate withholding of information, cannot by itself attract penal consequences under Section 20 of the RTI Act.

16. Accordingly, this Court is of the considered opinion that no undue delay or dereliction of duty can be attributed to the CPIO. As such, the impugned order of the CIC calls for no interference.

17. The petition is, accordingly, dismissed.

SACHIN DATTA, J

OCTOBER 9, 2025/sv