



CWP No.24272-2024 1

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP No.24272-2024 (O&M)

Date of Decision: 27.11.2024

Raj Kumar Arora

.....Petitioner

Versus

Central Information Commission and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**Present:** Mr. Nipun Bhardwaj, Advocate for
Mr. Nikhil Ghai, Advocate for the petitioner.Mr. Arvind Seth, Senior Panel Counsel
for respondent No.1.Mr. Akashdeep Singh, Special PP, CBI
for respondents No.2 and 3.

MAHABIR SINGH SINDHU, J.

Present petition has been filed, under Article 226 of the Constitution, *inter alia*, for issuance of a writ in the nature of *Certiorari* for quashing/setting aside the impugned order dated 29.06.2022 (P-11) passed by respondent No.1-Central Information Commission, New Delhi (for short 'CIC'), whereby two second appeals filed by the petitioner under the Right to Information Act, 2005 (for short 'RTI Act'), against the orders dated 23.04.2021 and 18.06.2021 passed by the First Appellate Authority, were dismissed.

2. Briefly stated that petitioner filed two applications dated 05.03.2021 and 02.05.2021 under the RTI Act through online mode, before respondent No.2- Central Public Information Officer (for short 'CPIO'),

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Central Bureau of Investigation (for short 'CBI'); which were replied by CPIO on 16.04.2021 and 03.06.2021, respectively. Aggrieved against the same, petitioner filed two appeals before the First Appellate Authority; who upheld the orders passed by CPIO, vide impugned orders dated 23.04.2021 and 18.06.2021. Lastly, two second appeals were preferred before CIC, which were dismissed vide impugned common order dated 29.06.2022. Hence, the present petition.

3. Contends that CPIO concerned has wrongly refused to provide requisite information under the garb of Notification dated 09.06.2011 issued by Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, Government of India (A-1) stating that RTI Act is not applicable to CBI as it has been kept in Second Schedule at Sr. No.23. Further contends that CPIO, First Appellate Authority as well as CIC has overlooked provisions of Section 24 of RTI Act, Para 20 Part IV of Guide on RTI Act for Public Information Officers and various Memorandums issued by Government of India; which specifically states that RTI application seeking information pertaining to allegations of corruption is maintainable and also relies upon P-16 and P-17 to substantiate the same.

4. *Per contra*, learned counsel for respondent(s) submit(s) that petitioner is not a public spirited person and information sought by him cannot be provided for the reason that RTI Act is not applicable to CBI in view of the Notification dated 09.06.2011 (*supra*). Further submit(s) that with the desired information petitioner wants to strengthen his defence in the pending appeal against conviction for which he miserably failed during trial before learned Special Court. Still further submits that desired information, is not related to allegations of corruption against any officials of the CBI; hence proviso to Section 24(1) of RTI Act will not be attracted. Lastly

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submitted that no public interest is involved for the information sought by petitioner; hence, prayed for dismissal of the present petition.

5. Heard learned counsel for the parties and perused the paperbook.

6. It transpires that petitioner was working as an Income Tax Officer and was convicted by learned Special Court, CBI, Patiala, Punjab vide judgment of conviction and order of sentence dated 24.07.2008 in RC-4 of 01.02.2005 under Sections 7 and 13 of Prevention of Corruption Act, 1988 registered at Police Station CPE/CBI/ACB/Chandigarh. An appeal preferred against the said judgment of conviction and order of sentence is pending adjudication before the Co-ordinate Bench of this Court. Also transpires that the information sought by petitioner relates to the aforesaid pending appeal and at this stage, he is trying to obtain some information under RTI Act, in order to strengthen his plea in appeal, which he failed during trial before learned Special Court.

7. Still further, this Court has gone through the contents of application moved by the petitioner under the RTI Act and perusal thereof clearly reveals that the nature of information sought by him does not suggest any public interest; rather, it is a complete misuse of the provisions of the RTI Act, just to harass the officials of respondent-CBI with an ulterior motive.

8. Apart that, the Central Bureau of Investigation has been kept in Second Schedule (Sr. No.23) to the RTI Act, vide Notification dated 09.06.2011 (*supra*); therefore, prayer of the petitioner has rightly been rejected under RTI Act.

9. In view of the above, this Court is of the opinion that present petition is wholly misconceived and deserves to be dismissed with costs.



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(MAHABIR SINGH SINDHU)

JUDGE

Yes

Yes

