

Bachan Singh Rana vs Cpio, Establishment Section I And Ii, ... on 10 January, 2023

Author: Prathiba M. Singh

Bench: Prathiba M. Singh

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(C) 5783/2022

BACHAN SINGH RANA

Through: Mr. Aditi Gupta,
(M:9811046710)

versus

CPIO, ESTABLISHMENT SECTION I AND II, ALL INDIA
INSTITUTE OF MEDICAL SCIENCES AND ORS... Respondents

Through: Mr. V.S.R. Krishna & Mr. Shashank Kumar, Advo
(M:9891205519)

CORAM:

JUSTICE PRATHIBA M. SINGH
ORDER

% 10.01.2023

1. This hearing has been done through hybrid mode.
2. The Petitioner - Bachan Singh Rana has filed the present petition seeking quashing of the impugned order dated 11th February, 2022 passed by the Central Information Commission (CIC).
3. The case of the Petitioner is that vide the said impugned order information sought by the Petitioner in his RTI application has not been provided and the matter has been closed on the grounds of res judicata and by recording that the All India Institute of Medical Sciences (AIIMS) has already disclosed the information which is available in its records. The operative portion of the impugned order passed by the CIC is set out below:

"From the facts available in the file and in light of the arguments presented by both the parties during hearing, it is clear that in context of the Application submitted by the Applicant, the information was sent to him through letter dated 22.07.2020 and through letter dated 15.09.2020 revised pointwise information related to Cash Department was sent by the First Appellate Authority, Financial Advisor. It is worth mentioning that under the provisions of section 2(h) of Right to Information Act, a Public Information Officer can provide only the information available in the form of

material in the records of the authority concerned. Subsequently, it is also clear after the examination of the records of the Commission that another Second Appeal No. CIC/AIIMS/A/2019/113391 filed by the applicant in respect of the information sought through the application submitted by the applicant, has been disposed of by the Commission by Order dated 09.03.2021. Therefore, the present case is also res judicata. As per the opinion of the Commission, the information which was available in the records and eligible to be provided has been provided to the Applicant as sought by him through his application. Therefore, there is no need for the intervention of the Commission in this matter.

As above, the present Appeal is disposed of."

4. The case of the Petitioner is that he was working in the engineering department of AIIMS. He had certain disputes against AIIMS relating to his services which were pending before the labour courts. In view of the same, the Petitioner filed an RTI application seeking the following information:

"Point No.1 :- Please provide complete details of payment of salary separately paid each month per year from date 01-06-2003 to January 2010 to Shri Bachan Singh, TS-98 DWD 047, ex-employee of AIIMS Engineering department (Refrigeration and Air conditioning subdivision) the Basic wages paid to the Mechanics for the period 2003 to 2015 as regularized by the department, Grade pay, Increments etc. Point No. 2:- Rules regarding payment of Festival Bonus during the said period, details of wages related to the 7th Pay Commission etc. Please provide complete per year details of payment of Festival Bonus paid to the above mentioned worker at Point No. I, for the period 2003 to 2014.

Point No.3:- What are the provisions / rules to pay the total monthly salary including Basic pay, pay band stagnation increment, dearness pay, dearness allowance, city pay reimbursement allowance, house rent allowance, hospital patient care allowance, conveyance allowance and other allowances from 2003 to 2015 on regularization to the departmental worker working in Engineering Services Department (refrigeration and air conditioning sub-division) on the post of mechanic (A. C. and Refrigerator) from 2003. Please give complete details of monthly salary paid per year per month.

Point No.4:- What are the provisions / rules to pay Festival Bonus to the departmental worker working in Engineering Services Department (refrigeration and air conditioning sub-division) on the post of mechanic (A.C. and Refrigerator) from 2003, for the period from 2003 to 2015 on regularization per year. Point No.5:- What are the provisions to pay Stagnation Increment to the departmental worker working, in Engineering Services Department (refrigeration and air conditioning sub-division) on the post of mechanic (A. C. and Refrigerator) from 2003, for the period from 2003 to 2015 on regularization per year. Please give complete details of each year.

Point No.6:- What are the provisions to pay how much amount of salary under 7th Central Pay Commission to the departmental worker working in Engineering Services Department (refrigeration and air conditioning sub-division) on the post of mechanic (A. C. and Refrigerator) from 2003, for the period from 2016 to 2020 on regularization per year. Please give each details separately.

Point No.7 :- What are the Rules to pay how much amount of Pay in the Revised Pay Band/ Pay Scale and Grade Pay as per 6th Central Pay Commission to the departmental worker working in Engineering Services Department (refrigeration and air conditioning sub- division) on the post of mechanic (A.C. and Refrigerator) from 2003, till 2016 each year on regularization per year. Point No.8 :- Please give details per year separately. What are the Rules to pay how much amount of Pay in the Revised Pay Band/ Pay Scale and Grade Pay as per 7th Central Pay Commission to the departmental worker working in Engineering Services Department (refrigeration and air conditioning sub-division) on the post of mechanic (A.C. and Refrigerator) on regularization from 2003, till 2026 each year per year. Please give details per year separately."

5. It is submitted by the Id. Counsel for the Petitioner that the said information has not been fully provided by the AIIMS either through the CPIO or through the Cash Section, AIIMS, New Delhi. Further, Id. Counsel relies upon the response of the Cash Section, AIIMS dated 15th September 2020 which states that the information sought is exempt either on the ground of being personal or on the ground of being in public domain as per Government of India rules/ guidelines. Id. Counsel for the Respondents submits that the Petitioner has already approached the labour court, however, the said petition filed by the Petitioner before the labour courts had been dismissed. The matter is under challenge in a writ petition.

6. After perusing the RTI application, the response to the RTI application provided by Cash Section, AIIMS and the impugned order, it is clear that the Petitioner is attempting to obtain some proof of his employment with AIIMS, to support his own case. The response of the Cash Section, AIIMS, New Delhi dated 15th September 2020 is as under:

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S.No. Information sought

1. Please provide complete details of payment of salary separately paid each month per year from date 01-08- 2003 to January 2010 to Shri Bachan Singh, TS-98 DWD 047, ex-employee of AIIMS Engineering (Refrigeration department and Air conditioning sub-division) the Basic Pay paid to the Mechanics for the period 2003 to 2015 as regularized by the department, Grade pay, Increments etc. Rules regarding payment of Festival Bonus during the said period, details of

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2. Please provide complete per year details of payment of Festival Bonus paid to the above mentioned worker at Point No.1, for

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the period 2003 to 2014. Section 8(1) of Right to Information Act 2005, the information sought cannot be provided.

3. What are the provisions/ rules to pay the Allowances are paid as total monthly salary including Basic pay, per the guidelines of the pay band, stagnation increment, dearness Govt. of India, which pay, dearness allowance, city pay are available on public reimbursement rent allowance, house domain. allowance, hospital allowance, patient care conveyance allowance and other allowances from 2003 to 2015 on regularization to the departmental worker working in Engineering Services Department (refrigeration and air conditioning sub-division) on the post of mechanic (A.C. and Refrigerator) from 2003. Please give complete details of monthly salary paid per year per month.

4. What are the provisions/ rules to pay Allowances are paid as Festival Bonus to the departmental worker per the guidelines of the working in Engineering Services Govt. of India, which (refrigeration Department and air are available on public conditioning sub-division) on the post of domain. mechanic (A.C. and Refrigerator) from 2003, for the period from 2003 to 2015 on regularization per year.

5. What are the provisions to pay Stagnation Allowances are paid as Increment to the departmental worker per the guidelines of the working in Engineering Services Govt. of India, which (refrigeration Department and air are available on public conditioning sub-division) on the post of domain. mechanic (A.C. and Refrigerator) from 2003, for the period from 2003 to 2015 on regularization per year. Please give complete details of each year.

6. What are the provisions to pay how much Allowances are paid as amount of salary under 7th Central Pay per the guidelines of the Commission to the departmental worker Govt. of India, which working in Engineering Services are available on public Department (refrigeration and air domain. conditioning sub-division) on the post of mechanic (A.C. and Refrigerator) from 2003, for the period from 2016 to 2020 on regularization per year. Please give each details separately.

7. What are the Rules to pay how much Allowances are paid as amount of Pay in the Revised Pay Band/ per the guidelines of the Pay Scale and Grade Pay as per 6th Govt. of India, which Central Pay Commission to the are available on public departmental worker working in domain.

Engineering Services (refrigeration Department and air conditioning sub-

division) on the post of mechanic (A.C. and Refrigerator) from 2003, till 2016 each year on regularization per year. Please give details per year separately.

8. What are the Rules to pay how much Allowances are paid as amount of Pay in the Revised Pay Band/ per the guidelines of the Pay Scale and Grade Pay as per 7th Govt. of India, which Central Pay Commission to the are available on public departmental worker working in domain.

Engineering Services (refrigeration Department and air conditioning sub- division) on the post of mechanic (A.C. and Refrigerator) on regularization from 2003, till 2026 each year per year. Please give details per year separately.

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7. After hearing submissions it is clear that insofar as the information at sl. Nos.1 and 2 are concerned, the same concern the Petitioner himself. Thus, the fact that the same is personal information would not come in the way of the same being disclosed to the Petitioner as he is himself seeking the information. If the Petitioner was actually employed with AIIMS, he is free to approach the Cash Section, AIIMS, New Delhi. It is directed that the information sought by the Petitioner which was denied on the ground of being personal information shall be supplied to him by the Cash Section AIIMS. Insofar as the remaining information is concerned, they relate to the general information which has been rightly held to be in public domain. No further information would be liable to be provided to the Petitioner. Accordingly, the Cash Section, AIIMS is permitted to collect the said information, if already not available with it, from the relevant branch of AIIMS and provide the same to the Petitioner.

8. The Petitioner shall appear before the Cash Section, AIIMS on 6th February, 2023 at 11:30 a.m. The said information shall be handed over to the Petitioner within two weeks thereafter.

9. With these observations, the present petition, along with all pending applications, is disposed of.

PRATHIBA M. SINGH, J.

JANUARY 10, 2023 dj/kt