

I K Saini vs.the Central Information Commission and Ors

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Court : Delhi

Decided On : May-22-2017

Appellant : I K Saini

Respondent : The Central Information Commission and Ors

Advocate for Pet/Ap. : Mr. Sanjeev Narual, Ms. Anumita Chandar, Ms. Suruchi Suri

Judgement :

\$~6 * IN THE HIGH COURT OF DELHI AT NEW DELHI + W.P.(C) 577/2017 & CM. APPL. No.27141/2017, 3976, 7803, 7805, 21523-21524/2018 Date of Decision:

22. 5.2018 I K SAINI THE CENTRAL INFORMATION COMMISSION AND ORS

... Petitioner

in person. Through: versus

... Petitioner

Through: Mr. Sanjeev Narual, CGSC with Ms. Anumita Chandar, Adv. for R-1/CIC. Ms. Suruchi Suri, Adv. for MTNL. Respondent CORAM:-

"HON'BLE MR. JUSTICE RAJIV SHAKDHER % RAJIV SHAKDHER, J.

(ORAL) On the previous date, i.e. 27.2.2018, the following observations were 1. noted by me: on appeals 1. There is no representation on behalf of respondent No.1/ Central Information Commission (for short "CIC") and respondent no.3/Department of Post.

2. The order impugned in the writ petition is dated 19.5.2014. By this order, respondent no.1/ CIC has closed five the complainant/applicant, one, Mr. K.K. Saini had expired. 2.1 To be noted that Mr. K.K. Saini is the father of the writ petitioner.

3. The writ petitioner says that the order is flawed for two reasons. One, that out of the five appeals, three appeals were filed by him while the other two were filed by his father. Two, that a substitution application had ground that the W.P.(C) No.577/2017 Pg.1 of 3 been moved by the petitioner which was allowed by respondent no.1/ CIC.

4. It may be relevant to note that in passing the impugned order of abatement, reference has been made by respondent no.1/ CIC to Regulation 24 of the Central Information Commission (Management) Regulations, 2007, which briefly reads as under: - "...Abatement of an Appeal/Complaint: The proceedings pending before the Commission shall abate on the death of the appellant or complainant... "

4. 1. Therefore, what clearly emerges is that insofar as the three appeals filed by the petitioner are concerned, they could not have been disposed of by respondent no.1/ CIC on the ground that they had abated. Insofar as the other two appeals are concerned, in my view, the writ petitioner, can, perhaps make a fresh application. However, this aspect of the matter will be examined in light of what is stated in the writ petition and is on record.

5. Issue court notice to respondent no.1/ CIC. The Registrar, respondent no.1/ CIC shall remain present in the Court on the next date of hearing. Court notice shall also issue to respondent no.3/Department of Post.

6. Renotify the matter on 22.5.2018. The Registrar, CIC, Mr. Piyush Aggarwal is present in the Court.

2. 2.1 Mr. Sanjeev Narula represents the CIC.

3. In view of what has been noted above, the impugned order is set aside. The matter is fixed for directions before the CIC on 13.6.2018. The petitioner will make himself available on that date. In respect of the two appeals, which, were filed by the deceased, K.K. Saini, the father of the petitioner, CIC will give an opportunity to the petitioner to file an application to demonstrate as why they would not abate. The other appeals, W.P.(C) No.577/2017 Pg.2 of 3 filed by the petitioner i.e., Mr. I.K. Saini, will be put back on board for hearing by the CIC.

4. The writ petition is, accordingly, disposed of. Pending applications are closed.
MAY22 2018/pmc W.P.(C) No.577/2017 RAJIV SHAKDHER, J Pg.3 of 3

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