

Court No. - 11

Case :- MISC. SINGLE No. - 4731 of 2010

Petitioner :- Capt. Pramod Kumar Bajaj

Respondent :- The Central Information Commission Room No 308 B-Wing & Ors.

Petitioner Counsel :- Shireesh Kumar

Hon'ble Anil Kumar,J.

Issue notice to O.P. Nos. 1 and 2.

Sri D.D. Chopra, learned counsel on behalf of O.P. No. 3 prays for and is granted two weeks time to file counter affidavit. One week thereafter is granted to the petitioner for rejoinder affidavit.

The affidavit of service filed by him is taken on record.

Sri Shireesh Kumar, learned counsel for the petitioner submits that as per the provisions provided under Section 11(1) of the Right to Information Act, 2005 before giving any information against third party he should be heard. But in the present case, no information whatsoever has been given by the O.P. No. 1 while passing the impugned order to the petitioner and in this regard he inter alia rely on the averment as made in paragraph No. 19 of the writ petition.

Accordingly, it is submitted by learned counsel for the petitioner that the impugned order dated 8.7.2010 (Annexure-1) passed by O.P. No. 1 in Second Appeal No. in file No. CIC/CS/A/2010/000603 is in contravention to the mandatory provision as provided under Section 11(1) of Right to Information Act, 2005

Prima facie submission made by the learned counsel for the petitioner appears to be correct, as such till the next date of listing, further operation and implementation of of impugned order dated 08.07.2010 passed by O.P. No. 1 in Second Appeal No. in file No. CIC/CS/A/2010/000603 shall remain stayed.

Order Date :- 3.9.2010

Ravi/