

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

+ W.P.(C) 12367/2009

RAVINDER KUMAR Petitioner
Through Ms. Mamta Chandra, Advocate.

versus

CENTRAL INFORMATION COMMISSIONER
AND ORS. ... Respondents
Through Nemo.

**CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA**

ORDER
13.10.2009

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1. The petitioner was facing disciplinary proceedings. He applied under the Right to Information Act, 2005 seeking information and copy of the file notings by officers resulting in initiation of disciplinary proceedings against him. Information Commissioner in the second appeal has rejected the said request of the petitioner after noting that it will be against public interest to disclose information and views of various officers, who had contributed to the process of initiation of disciplinary proceedings against the petitioner. The information is accordingly being denied to the petitioner under Section 8(1)(j) of the Right to Information Act, 2005.

2. Learned counsel for the petitioner submits that file notings are part of information and covered by the Right to Information Act, 2005 and in

this connection has relied upon decision of Central Information Commissioner in the case of the petitioner dated 25th April, 2007. In the said decision, the Chief Information Commissioner has observed and held that file notings are information within the meaning of Section 2(f) of the the Right to Information Act, 2005 but whether the file notings have to be furnished and made available to an applicant will depend upon facts of each case and whether the said information can be denied under any of the clauses of Section 8(1) of the Right to Information Act, 2005.

3. In the present case, information has been denied to the petitioner under Section 8(1)(j) of the Right to Information Act, 2005 and the finding of the Information Commissioner is that it would be against public interest to disclose the note sheets containing opinions and advices rendered by officials in respect of departmental proceedings, which were initiated against the petitioner. Right to information is not an absolute right but is subject to Section 8(1) of the Right to Information Act, 2005. Under Section 8(1)(j) information which causes invasion to right to privacy is denied unless larger public interest justifies disclosure. The findings of the Information Commissioner require no interference and are in accord with the provisions of Section 8(1)(j) of the said Act.

4. In view of the above, I do not find any merit in the present writ petition and the same is dismissed.

SANJIV KHANNA, J.

OCTOBER 13, 2009
VKR