

केन्द्रीय सूचना आयोग
Central Information Commission
बाबा गंगनाथ मार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नई दिल्ली, New Delhi – 110067

द्वितीय अपील संख्या / Second Appeal No. **CIC/SCOFI/A/2023/631939.**

Shri Saurav Das.

... अपीलकर्ता / Appellant

VERSUS/बनाम

PIO,
Supreme Court of India.

...प्रतिवादीगण / Respondent

Date of Hearing : 27.08.2024

Date of Decision : 07.10.2024

Chief Information Commissioner : Shri Heeralal Samariya

Relevant facts emerging from appeal:

RTI application filed on : 25.04.2023

PIO replied on : 17.05.2023

First Appeal filed on : 22.05.2023

First Appellate Order on : 22.06.2023

2ndAppeal/complaint received on : 04.07.2023

Information sought and background of the case:

The Appellant filed an RTI application dated 25.04.2023 seeking information on following points:-

With regards to Acting Chief Justice of Madras High Court T. Raja, please furnish

“1. Whether any complaints, whether through letter representation or otherwise, about either allegations of corruption and/or any improper conduct has been received by the Chief Justice of India, collegium, and/or the Supreme Court of India till date for anytime of Mr. Raja's tenure.

2. If so, the total number of such complaints received till date along with the date.

3. The action taken on such complaints or letter representations.”

The CPIO, Addl. Registrar vide letter dated 17.05.2023 replied as under:-

“With reference to your RTI application dated 25/04/2023 received in this Secretariat on 25/04/2023, I write to inform you as under:

The information is not maintained in the manner as sought for.”

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 22.05.2023. The FAA, Registrar vide order dated 22.06.2023 stated as under:-

“6) On due consideration, I find that reply sent by CPIO is clear and explicit. The CPIO has informed the appellant that the information is not maintained in the manner as sought by the appellant. Therefore, it could not be possible for CPIO to provide the information.

7) The reply sent by CPIO is appropriate and does not require any further addition or further elaboration. There appears no error or illegality in the same, hence, no interference is called for.

8) Viewed in the context of what has been stated above, there appears no substance and/or merit in the appeal of the appellant. Accordingly, the same is dismissed.”

Aggrieved and dissatisfied, the Appellant approached the Commission with the instant Second Appeal.

Facts emerging in Course of Hearing:

Appellant: Present in person.

Respondent: Ms. Himani Sarad, CPIO and Mr. Jitendra Kumar Tripathi-participated in the hearing.

The Appellant stated that he has sought information related to number of complaints, received by the Chief Justice of India, collegium, and/or the Supreme Court of India till date against Acting Chief Justice of Madras High Court T. Raja relating to allegations of corruption and/or any improper conduct. He stated that he has sought only statistical and general information related to the complaints specifically in reference to Acting Chief Justice of Madras High Court T. Raja.

The Respondent stated that the information sought is not available in the desired format. They stated that the information sought is not specific and accordingly cannot be furnished to the Appellant. They averred that the records are maintained as per Supreme Court Rules. They submitted that as per the aforementioned Rules they are not under an obligation to maintain the information as sought by the Appellant.

Decision:

Commission, after perusal of case records and submissions made during hearing, directs the concerned PIO to re-examine the point No. 1 and point No. 2 of the instant RTI Application and furnish the number of complaint(s), if maintained in their records, or inform the Appellant accordingly, within 30 days from the date of receipt of this order, free of cost via speed post. A compliance report to this effect be duly sent to the Commission by the PIO. In doing so, PIO must make sure that information which is exempted from disclosure under RTI

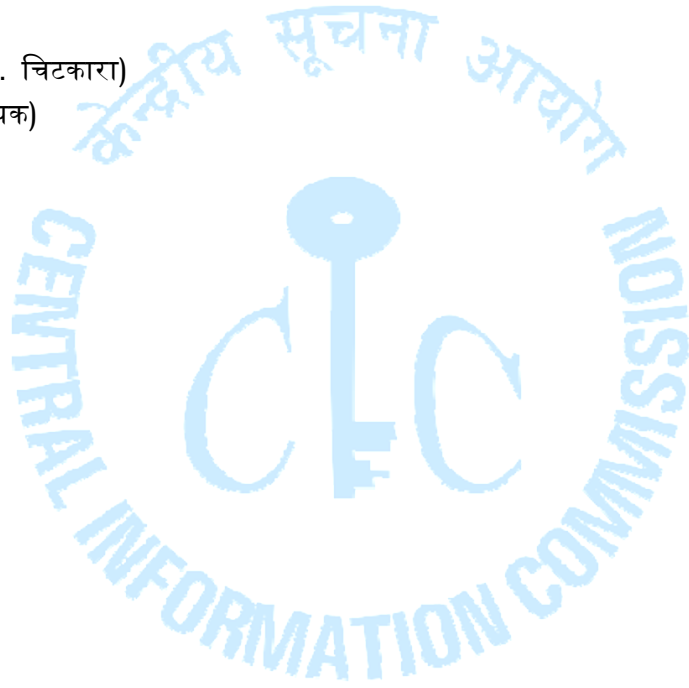
Act, 2005 must not be disclosed to the Appellant. As regards the point No. 3 of the RTI Application the Commission is of the considered opinion that the same is personal information of an individual and the Appellant is not even the complainant of the complaint(s) accordingly the same is exempted from disclosure under Section 8(1)(j) of the RTI Act. No further action lies.

Appeal is disposed of accordingly.

Heeralal Samariya (हीरालाल सामरिया)
Chief Information Commissioner (मुख्य सूचना आयुक्त)

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

S. K. Chitkara (एस. के. चिटकारा)
Dy. Registrar (उप-पंजीयक)
011-26186535



Recomendation(s) to PA under section 25(5) of the RTI Act, 2005:-

Nil