

**CENTRAL INFORMATION COMMISSION**

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**F.No. CIC/AT/A/2006/00277**  
**Dated, the 25<sup>th</sup> September, 2006.**

**Appellant: Shri Jai Kishan Sharma, S/o Pt. Surat Singh, R/o Flat No.61, 7<sup>th</sup> Floor, The Palam Apartment, Plot No.13-B, Sector-6, Dwarka, New Delhi-110075.**

**Respondents: Shri R.P. Upadhyaya, PIO, Dy. Commissioner of Police (Vigilance) Delhi Police, Police Bhavan, Asaf Ali Road, New Delhi-110 002.**

**Shri A.K. Sinha, Appellate Authority, Jt. Commissioner of Police(Vigilance), Delhi Police, Police Headquarters, IP Estate, New Delhi-110 002.**

The appellant, Shri J.K. Sharma has approached this Commission against the order dated 05.04.2006 of the Jt. Commissioner of Police (Vigilance), Shri A.K. Sinha, the Appellate Authority and the order dated 13.2.2006 of the PIO, Shri R.P. Upadhyaya, Dy. Commissioner of Police (Vigilance).

Parties were called for a hearing today (i.e. 25.9.2006). The appellant was present in person, and the respondents were represented by the PIO, Smt.Shalini Singh, DCP (Vigilance), Delhi Police, successor to Shri R.P. Upadhyaya.

Heard arguments.

The short-point to be decided in this appeal is whether the enquiry conducted by the Police authorities pursuant to the appellant's complaint-petition dated 14.9.2005 can be taken to have a bearing on the re-investigation ordered by the Munciff Magistrate Court in the FIR No.92/2003 of P.S. Nangloi, Delhi. The appellant has argued that the subject-matter of his complaint dated 14.9.2005 and the case in FIR No.92/2003 are not identical. The respondents claimed otherwise.

A resolution of these opposing contentions crucially hinges on a decision on the question of the congruence of the nature of the contents of the enquiry and, the case in FIR No.92/2003. This can best be done at a point closest to where both the matters, i.e. the enquiry report on the appellant's complaint-petition dated 14.9.2005 and the re-investigation ordered by the Court in FIR No.92/2003 are located. The first Appellate Authority is best placed to perform this function.

The case is thus remitted to the Appellate Authority, Shri A.K. Sinha, Jt. Commissioner of Police (Vigilance) with a direction that he will give a hearing to the appellant and decide, after studying material before him, whether the enquiry and its report on the appellant's complaint-petition dated 14.9.2005 can be said to be organically

linked to the re-investigation of case in FIR No.92/2003. A detailed response of the finding of the Appellate Authority should be given to the appellant within 3 weeks from the date of the receipt of this order.

The appeal is disposed of with those directions.

Sd/-  
( A.N. TIWARI )  
INFORMATION COMMISSIONER

Authenticated by –

Sd/-  
( L.C. SINGHI )  
ADDL. REGISTRAR

Address of parties:

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2. Smt. Shalini Singh, PIO, Dy. Commissioner of Police (Vigilance) Delhi Police, Police Bhavan, Asaf Ali Road, New Delhi-110 002.
3. Shri A.K. Sinha, Appellate Authority, Jt. Commissioner of Police (Vigilance), Delhi Police, Police Headquarters, IP Estate, New Delhi-110 002.
4. In-charge, NIC.
5. Press 'E' Group.