



W.P.(MD)No.19752 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.10.2023

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THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.(MD)No.19752 of 2020

S.Ponnusamy

.. Petitioner

Versus

1.Tamil Nadu Information Commission
No.2, Thiyagaraja Salai, Teynampet,
Chennai – 600 018.

2.The Chief Engineer,
Personnel, Appellate Authority (Under RTI),
TANGEDCO, 144, Anna Salai, Chennai.

3.The Public Information Officer,
Managing Director Office, TANGEDCO,
144, Anna Salai, Chennai.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the third respondent to comply with the order of the first respondent dated 20.02.2019 and furnish the details as requested by the petitioner under the Right to Information Act, in his petition dated 02.11.2017.

For Petitioner : Ms.Chamundi Bose

For R1 : Mr.K.K.Senthil
Standing Counsel

For R2 and R3 : Ms.Parameshwari
for Mr.S.Dheenadhayalan



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ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the third respondent to comply with the order passed by the first respondent, dated 20.02.2019 and to furnish the details requested by the petitioner under the Right to Information Act, through application dated 02.11.2017.

2. The case of the petitioner is that disciplinary proceedings were initiated against him and he was awarded the punishment of stoppage of two increments with cumulative effect. According to the petitioner, a representation was given by the petitioner seeking for mercy and the Legal Department had considered the same favourably. The petitioner wanted this information of the Legal Department and hence, made an application under the Right to Information Act, seeking for this information. Since there was no response, the petitioner filed an appeal before the first respondent. The first respondent through order dated 11.03.2020, stated as follows:-

"7.இந்நிலையில், மேல்முறையீட்டாளர் 07.02.2018 தேதியிட்ட தகவல் பெறும் உரிமைச் சட்டத்தில் கோரிய தகவல்களுக்கு ஏற்கனவே, 06.03.2019 மற்றும் 10.03.2020 ஆகிய தேதிகளில் பதில் அளிக்கப்பட்டுள்ளதாகவும், அதில் விடுபட்டுள்ள மேல்முறையீட்டாளர் கோரிய ஒழுங்கு நடவடிக்கை இரத்து செய்வது குறித்த Legal Cell Copy குறித்த தகவல்களுக்கு மேல்முறையீட்டாளருக்கு உரிய அன்றொப்பமிட்டு பதிவு தபால் மூலம் மேல்முறையீட்டாளருக்கு



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அனுப்பி வைத்து அதன் மனுவினை 18.03.2020 தேதியில் ஆணையத்தில் நேரில் ஆஜராகி சமர்ப்பிக்குமாறு இன்றைய விசாரணைக்கு ஆஜரான பொதுத் தகவல் அலுவலருக்கு ஆணையம் உத்தரவிட்டு, அதனை பொதுத் தகவல் அலுவலர் அவர்கள் தனது எழுத்து மூலம் அனைத்து விவரங்களையும் அளிப்பதாக ஆணையத்தில் தெரிவித்து, அதனை மேல்முறையிட்டாளரும் ஒப்புக் கொண்டதன்பேரில், இவ்வழக்கில் மேலும் விசாரணை தேவையில்லையென ஆணையம் முடிவு செய்து இவ்வழக்கு முற்றாக்கப்படுகிறது."

3. In view of the above, the petitioner is seeking for compliance of the order passed by the first respondent and to furnish the details as requested by him.

4. Heard the learned counsel appearing for the parties.

5. The third respondent has come up with a definite stand that the Legal Department did not provide any information or give any recommendation to consider the mercy petition given by the petitioner. This was also informed to the petitioner by the third respondent through the letter dated 17.03.2020. In the light of this specific stand taken by the third respondent, there is no ground to direct the third respondent to furnish the details as sought for by the petitioner. Only if the document is available, it can be furnished to the petitioner and in the absence of the same, the third respondent cannot be



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compelled to give the document, which according to the third respondent, is not available with them. In view of the same, the relief sought for by the petitioner cannot be granted by this Court. Accordingly, this Writ Petition stands dismissed. No costs.

NCC : Yes/No
Index : Yes/No
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To

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N.ANAND VENKATESH, J.

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