

Court No. - 3

Case :- WRIT - C No. - 4260 of 2009

Petitioner :- State Of U.P. Thru Secy. Home And Anr.

Respondent :- State Information Commission U.P. Lucknow And Others

Counsel for Petitioner :- Standing Counsel

Counsel for Respondent :- Amitabh Thakur Inperson

Hon'ble Vivek Chaudhary,J.

Hon'ble Manish Kumar,J.

Petitioner has approached this Court challenging the orders dated 13.03.2009, 03.02.2009 and 01.10.2008 passed by the State Information Commission, Uttar Pradesh, Lucknow.

By the said order, penalty was imposed upon the petitioner no. 2-Madan Kishore Srivastava, Deputy Secretary (Home), Police Services, U.P. Lucknow.

Learned counsel for the petitioner submits that the Information Commissioner is bound to show cause notice before imposing any penalty, though an order of show cause was issued on 03.02.2009 but no show cause notice was issued to the petitioner or was ever issued.

The said facts are not disputed in the counter affidavit filed by the respondents.

In view of the aforesaid, it is found that the order dated 13.03.2009 imposing penalty upon learned counsel for the petitioner was issued without serving a show cause notice to the petitioner, thus, it is bad in the eyes of law.

The order dated 13.03.2009 is hereby set aside. It shall be open for the respondent nos. 1 and 2, if they chooses so, to pass a fresh order after serving the show cause notice to the petitioner, in accordance with law.

This Court has not gone into merit of the case.

Writ petition is allowed.

(Manish Kumar,J) (Vivek Chaudhary,J)

Order Date :- 16.11.2023/Ashish