

Court No. - 20

Case :- WRIT - A No. - 8468 of 2023

Petitioner :- Manbodh Kumar Tiwari

Respondent :- State Of U.P. Thru. Prin. Secy. Home Deptt., Lko. And Others

Counsel for Petitioner :- Ashutosh Singh

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur,J.

1. Heard learned counsel for petitioner and learned State Counsel appearing on behalf of opposite parties 1 to 5. In view of order being passed, notices to opposite party No.6 stand dispensed with.

2. Petition has been filed challenging order dated 11th November, 2022 whereby directions have been issued for recovery from salary of persons who are liable for not providing information under Right to Information Act, 2005.

3. Learned State Counsel has adverted to the documents on record to indicate that in fact the impugned order has not directed any recovery individually from petitioner but directions have been issued to recover the amount collectively from all the persons responsible for not providing information as required.

4. It is submitted that in pursuance of aforesaid order, a show cause notice has been issued to petitioner which was received by him on 25th September, 2023 granting him time to file a response, which he has not filed till date. As such it is submitted that final orders are yet to be passed in pursuance of the order dated 11th November, 2022.

5. Upon consideration of submissions advanced by learned counsel for parties and perusal of material on record, it is evident that order dated 11th November, 2022 has merely directed recovery to be effected from persons who are responsible and in pursuance thereof a show cause notice has been received by petitioner on 25th September, 2023. It is quite evident that proceedings have yet not attained finality.

6. In view of aforesaid, petitioner is granted one week from today to file reply to the show cause notice received by him on 25th September, 2023. In case any such reply is filed within the aforesaid time frame, same shall be considered and decided prior to passing of any orders for recovery against petitioner. Opportunity of hearing shall also be provided to petitioner.

7. With the aforesaid observations, the writ petition stands disposed of.

Order Date :- 1.11.2023

kvg/-