



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

WRIT PETITION NO. 26368 OF 2018 (GM-RES)

BETWEEN:

SMT SHEEBA S.,
W/O SAMUEL S DANDIN,
AGED ABOUT 37 YEARS,
WORKING AS ASSISTANT ADMINISTRATIVE
OFFICER(ADMINISTRATION)
ADMINISTRATIVE DEPARTMENT,
KARNATAKA STATE ROAD TRANSPORT
CORPORATION, CENTRAL OFFICE,
SHANTHI NAGARA
BANGALORE-560 027.

...PETITIONER

(BY SRI. SAMUEL S DANDIN, ADVOCATE)

AND:

1. THE STATE INFORMATION COMMISSION
MAHITHI SOUDHA,
D.DEVARAJ ARAS ROAD,
OPPOSITE TO WEST GATE NO-2
TO VIDHANA SOUDHA,
BANGALORE-560 001.
REPRESENTED BY ITS COMMISSIONER.
2. SRI N SHIVAKUMAR
AGED ABOUT MAJOR
8/1A,SHIVAKRUPA,
KEMPANNA ROAD,
DODDAMAVALLI,
BANGALORE-560 004.

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Location:
HIGH COURT
OF
KARNATAKA



3. THE MANAGING DIRECTOR
KARNATAKA STATE ROAD
TRANSPORT CORPORATION CENTRAL OFFICE
SHANTHI NAGAR
BENGALURU - 560 029.

...RESPONDENTS

(BY SRI. G.B. SHARATH GOWDA .,ADVOCATE FOR R1;
R2 SERVED BUT UNREPRESENTED
V/O DATED 26.03.2025
SMT. H.R. RENUKA., ADVOCATE FOR R3 (ABSENT)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR THE RECORDS FROM THE RESPONDENT NO.1 OFFICE PERTAINS TO ORDER DATED; 14.02.2018 PASSED IN KAMAA/3734/APL/2017; QUASH THE IMPUGNED ORDER DATED 14.02.2018 AS PER ANNEXURE-A AND ALSO RECOVERY NOTICE ISSUED BY THE RESPONDENT NO.1 DATED 01.06.2018 AS PER ANNEXURE-B AS ILLEGAL AND VIOLATIVE OF PRINCIPLES OF NATURAL JUSTICE.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

ORAL ORDER

Petitioner was working as Assistant Administrative Officer at Karnataka State Road Transport Corporation, Central Office since 2016. She was entrusted with the duties of Public Information Officer of the Central Office administrative section of the Corporation.



2. That on 21.11.2016, respondent No.2 had filed an application seeking certain information under the Right to Information Act. The information sought for by him was with regard to sanction of leaves to the State Transport Corporations under the Negotiable Instruments Act and other information. On receipt of said application petitioner had transferred the said application on 26.11.2016 to Transport No.1 Section of Department of Transport for disclosure of the information to respondent No.2, which in turn transferred the said application to the Central Office of KSRTC. Petitioner had also transferred the said application to the Labour Welfare Officer of KSRTC for disclosure of information sought for by respondent No.2. It is averred, that petitioner learnt that on 28.12.2016 the Labour Welfare Officer and PIO of KSRTC had furnished available information to respondent No.2 and thereafter forwarded the said application to petitioner to furnish remainder of information.

3. In the meanwhile respondent No.2 had filed an appeal before the Chief Labour Officer KSRTC and since respondent No.2 had not prosecuted said appeal the same was dropped. Respondent No.2 had thereafter had filed appeal



before the respondent No.1-Commission against the Public Information Officer and the Labour Welfare Officer of KSRTC. Petitioner was not made party in the said appeal. However, respondent No.1 by order dated 26.10.2017 directed PIO and Appellate Authority to the Department of Labour, KSRTC to provide information as early as possible to respondent No.2. In the said order, respondent No.1 had also informed the Labour Officer regarding the consequences of imposing penalty in the event of failure to furnish the information. That on 18.11.2017, PIO and Labour Welfare Officer had informed the petitioner regarding order passed by respondent No.1 and had requested for furnishing of the information if available.

4. That on 19.12.2017 respondent No.1 had issued a notice to the petitioner for the first time, directing to provide the information to the respondent No.2. In the said order, Commission had also informed the petitioner the consequences of imposition of penalty under Section 20(1) of the Right to Information Act. Petitioner infact had already provided the information to respondent No.2 on 12.12.2017 instant. Therefore, the subsequent order calling upon the petitioner to furnish the information was not justified. Since the petitioner



could not appear before the respondent-commission pursuant to the communication dated 19.12.2017, on 10.01.2018 respondent No.1 had issued a notice directing personnel appearance of the petitioner under Section 18(3)(a) of the RTI Act. Petitioner could not appear even to the said meeting inasmuch as she was required to attend a meeting regarding the inter-corporation transfer of the employees, as such sought for dispensation of her appearance. Without considering the justification given by the petitioner, the respondent-commission has imposed penalty of Rs.25,000/- directing the KSRTC to recover the same from the salary of the petitioner. Hence the petition.

5. Learned counsel appearing for petitioner taking this Court through the records submits that the very information sought for by the private respondent was in the nature of certain information regarding grant of leave recognized under the Negotiable Instruments Act, from the year 1950. That such information was not available in the first place in the office of the petitioner. Therefore, instead of giving the said reply, as a matter of abundant caution she had forwarded the application to the other department hoping that the information would be



available there. Accordingly matter was placed before the Labour Welfare Officer who also found the said information not being available at his end and accordingly had given endorsement to respondent No.2 regarding non-availability of the information. When the said information was not available at the department of the petitioner there was no question of Labour Officer again directing the petitioner to furnish the balance information as there were none. The appellate authority without looking into the nature of the information sought and also without appreciating if there was deliberate dereliction of duty on the part of the petitioner, has mechanically proceeded to impose the penalty of Rs.25,000/-. He submits appellate authority ought to have seen that no sooner the petitioner received the application, she had forwarded the same as a matter of abundant caution to the concerned department. It was only in the earnest effort to provide the information if it was available. Since the concerned Labour Officer also found the said information was not available, no blame could be laid at the threshold of the petitioner. This aspect of the matter has been lost sight of by the respondent-commission. Therefore the commission could



not have found petitioner guilty of not furnishing the information and proceed to pass the impugned order.

6. Learned counsel for the respondent-commission on the other hand submits that the petitioner atleast could have given the information about non availability of such information at the earliest. Even that would amount to providing information. Since the petitioner has not cared to issue such reply, the commission has passed the order which cannot be found fault with.

7. Heard and perused the records.

8. No doubt the petitioner ought to have acted within the time contemplated under the Act by responding to, whether or not the information was available. As pointed by learned counsel for petitioner, it appears petitioner as an abundant caution has forwarded the application to concerned department to ensure and see if the information was available elsewhere. This action on the part of petitioner also to be taken into consideration as a due diligence and it cannot be termed as dereliction of duty. One can understand if the petitioner has sat over the application without taking any action or providing any



information whatsoever to term her to be guilty of dereliction of duty. In the instant case she has forwarded the application within the time and the application having been circulated to all the departments has come back to her only when there was no information available at all.

9. Under the circumstances, this Court do not see petitioner being guilty of negligence or dereliction of duty as sought to be pointed out by the respondent-Commission.

Accordingly petition is ***allowed***. Impugned order dated 14.02.2018 at Annexure-A and recovery notice dated 01.06.2018 at Annexure-B are quashed.

Sd/-
(M.G.S. KAMAL)
JUDGE