

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.7816 OF 2014**

|                                 |                 |
|---------------------------------|-----------------|
| Dagadu Abhimanyu Madane         | ....Petitioner. |
| Versus                          |                 |
| The State of Maharashtra & Ors. | ...Respondents. |

Mr. Rakesh Bhatkar, advocate for the Petitioner.  
Ms. P.S.Cardozo, AGP for the respondent nos.1 to 4-State.

**CORAM : SHRI M.S.SONAK, J.**

**DATED : February 25, 2015.**

**P.C.:**

The learned counsel for the petitioner has filed affidavit of service, which indicates that the service has been effected upon the respondents.

2           This petition, takes exception to the order dated 7.1.2014 by which the State Chief Information Commissioner, in exercise of powers conferred by Sections 19 and 20 has recommended initiation of disciplinary proceedings against the petitioner for failure/unexplained delay in the furnish of information to the respondent no.5.

3           The impugned order records that the petitioner appeared before the Commissioner and accepted that there was delay in furnish of information to the respondent no.5 and further failed to provide any justification with regard to the same.

4           Records indeed indicate that there was delay on the part of the petitioner in furnishing information to the respondent no.5. The respondent no.5 applied for information on 10.7.2013. It is the case of the petitioner that such application was made before the incorrect authority and it is only on 31.8.2013 that the same was forwarded to the petitioner. Even if we have to proceed on the said basis, record discloses that information was not supplied by the petitioner within 30 days from the date on which application of the respondent no.5 was placed before him.

5           Respondent no. 5 was required to institute an appeal. The first appellate authority, by order dated 14.10.2013 directed the petitioner to furnish information. The information was ultimately furnished in January, 2014.

6           The petitioner has placed reliance upon two letters, which the petitioner states were addressed to the respondent no.5. Letters called upon the respondent no.5 to attend the office of the petitioner and to

clarify as to precise nature of information applied for. Justification offered by the petitioner is that since the respondent no.5 did not come to clarify the position, there was some delay.

7 Explanation is by no means convincing. This is because appellate authority in its order dated 14.10.2013 had clearly held that there was no ambiguity in the matter of information, which was applied for. Further, the appellate authority directed the petitioner to furnish information in the context of xerox copy of the document, which was already a matter on record.

8 In compliance with the impugned order, petitioner's department, after conduct of inquiry has imposed penalty of withholding two increments by the order dated 29.3.2014. The order states that in accordance of disciplinary proceedings, some substance was found in the defence raised by the petitioner, however, penalty is imposed in the light of impugned order .

9 If the aforesaid facts and circumstances are taken into consideration, it does appear that the penalty imposed is disproportionate. As noted earlier, there is indeed delay on the part of the petitioner in furnishing information. The justification offered by the

petitioner, also does not inspire much confidence. However, delay in the present case is neither gross or inordinate. Besides, the petitioner had also taken efforts to address two letters to the respondent no.5. In this view of the matter, it would be appropriate if the petitioner is directed to pay costs of Rs.10,000/- to the respondent no.5, rather than suffer penalty of withholding of increments for two years.

10           The petitioner has offered to pay the costs of Rs.10,000/- to the respondent no.5 by means of demand draft, which he shall tender to the respondent no.5 within a period of four weeks from today.

11           The petitioner shall pay/tender demand draft in an amount of Rs.10,000/- to the respondent no.5 within a period of four weeks from today and thereafter lodged a compliance report in this Court as also before authority, who has made the order dated 29.3.2014 imposing penalty upon the petitioner. If the amount of Rs.10,000/- is paid by the petitioner to the respondent no.5, then, the respondent no.3 shall issue formal orders to revoke the order dated 29.3.2014. In case, the amount of Rs.10,000/- is not paid within a period of four weeks as undertaken, then this petition shall be deemed to have been dismissed without any further reference to this Court.

12           Accordingly, rule is made absolute to the aforesaid extent.  
There shall be no order as to costs.

**(M.S.SONAK, J.)**