

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

THURSDAY, THE NINETEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIFTEEN
PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.3714 of 2015

BETWEEN

K. Lingaiah.

... PETITIONER

AND

The State of Telangana, Rep. by its Principal Secretary, GAD (I&PR-II)
Department, Secretariat, Hyderabad and another.

...RESPONDENTS

Counsel for the Petitioner: MR. SRINIVASA RAO MADIRAJU

Counsel for the Respondents: GP FOR GAD

The Court made the following:

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ORDER:

Petitioner submits that he is working as a District Educational Officer
and that the first respondent issued a show cause notice dated 31.12.2014 to

appear in person on 23.01.2015 with regard to an Appeal No.30612/SIC-IA2014 filed under the Right to Information Act. However, petitioner could not attend the said hearing in view of his presence, being necessary, at headquarters and as such, he made a detailed representation on 21.01.2015 and deputed an Assistant Director of his office on his behalf as the Hon'ble Minister for Finance and Civil Supplies was conducting review meeting with district officers on 23.01.2015. Thereafter, the second respondent issued the impugned proceedings dated 23.01.2015 styled as show cause notice for non-appearance in the aforesaid appeal imposing a fine of Rs.5,000/- on the petitioner payable within ten days along with warning. The said impugned notice is questioned in this writ petition.

2. Learned counsel for the petitioner submits that the because of the Minister's program, which was scheduled on 23.01.2015, the petitioner could not leave the headquarters and appear before the second respondent and reasons in support of the same were already submitted.

3. Apparently, the second respondent found that the petitioner is taking the summons issued by the Commissioner lightly, hence, passed the impugned proceedings. It is not clear from the order whether the petitioner's representation dated 21.01.2015 was placed before the Commissioner and whether the same was considered.

In any case, since the petitioner submits that he would appear before the second respondent and express regret and show justifiable reason as to why he could not appear before the second respondent, I deem it appropriate to dispose of the writ petition with the following direction:

The petitioner is permitted to appear before the second respondent with reference to the impugned proceedings and file a detailed affidavit showing the cause, which prevented him from appearing in person in response to the summons dated 31.12.2014 and 23.01.2015 and if a detailed affidavit, as above, is filed, the second respondent would examine the same in the light of the attending circumstances and pass

appropriate further orders either confirming or modifying the impugned proceedings and he shall be free to give such further direction, as he feels appropriate.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

February 19, 2015

Note: Furnish C.C. of the order by 23.02.2015

(**B/o**) DSK