

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 506 of 2016

O. P. Verma (Om Prakash Verma) S/o Late Shri
Manbodh Verma, Aged About 57 Years Occupation
Service Presently Working As Joint Collector, Bilaspur,
Civil & Revenue District Bilaspur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary,
Department Of Revenue, New Mantralaya, Mahanadi
Bhawan, New Raipur Chhattisgarh
2. The Secretary, Department Of General Administration,
New Mantralaya, Mahanadi Bhawan, New Raipur
Chhattisgarh
3. The State Information Commissioner, (Second
Appellate Authority, Under R.T.I. Act) Raipur
Chhattisgarh
4. The Collector, District Bilaspur Chhattisgarh
5. The Additional Collector, Bilaspur (First Appellate
Authority Under R.T.I. Act 2005
6. Jwala Prasad Agrawal, S/o Shri Gopal Agrawal, R/o
Shop No. 2, Santoshi, Mandir Parishar Gaya Nagar,
Durg Civil And Revenue District Durg Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Vivek Bhakta, Advocate.
For State	:	Ms. Tripti Rao, Panel Lawyer.
For respondent No.3	:	Mr. Shyam S. Tekchandani, Advocate.
	:	None for respondent No.6 though served.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

28/04/2016

Heard.

1. Challenge is to order dated 14.10.2015 of the

Commission mainly on the ground that during the pendency, relevant information was to be supplied under the order dated 16.07.2014 of the Appellate Authority, predecessor in the office of the petitioner was under obligation to comply with the same as the petitioner came to be posted as public information Officer only on 09.10.2014. The second ground is that the petitioner was not served any notice and therefore, he could not appear before the Commission.

2. Learned counsel for the Commission submits that there is an acknowledgment of receipt of notice by the office of Collector, Bilaspur.

3. It appears that the Commission proceeded on the presumption that the notice which was sent to the office of the Collector Bilaspur must have, in turn, been served upon the petitioner without there being proof of service of notice on the petitioner. It is also found that the petitioner has assumed office only on 09.10.2014. The impugned order, itself, shows that the Appellate Authority passed the order on 16.07.2014 and the petitioner came to be posted after almost three years.

4. In view of the above consideration, the order passed by the Commission directing enquiry against the petitioner cannot be justified and set aside, however, it is clarified that this order shall not come in the way of enquires in respect of predecessor in the office of the petitioner.

5. The petition is accordingly allowed.

Sd/-

(Manindra Mohan Shrivastava)
J U D G E