

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6875 OF 2007

Kondiba Narsu Kumbhar,
Age : 51 Years, Occu. Service as
Chief Officer, Municipal Council,
Parbhani Presently working as
Chief Officer, Municipal Council,
Karad, Tal. Karad, Dist. Satara.

...PETITIONER

VERSUS

1] The State of Maharashtra,
Through Secretary, State
Information Commissioner Office,
13 Floor, New Administrative Building,
In front of Mantraya, Mumbai - 32.

2] Mohd. Farooq Kadri,
District President, Movement for
Peace and Justice (Maharashtra),
Dadarao Plot, Ekbal Nagar,
Faran School Building,
Parbhani, Dist. Parbhani

...RESPONDENT

...
Advocate for Petitioner : Mr. R. B. Deshpande
AGP for Respondent No.1 : Mrs. M. A. Deshpande.
Advocate for Respondent No.2 : Mr. V. P. Latange.

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**CORAM : S. V. GANGAPURWALA &
A. M. BADAR, JJ.**

DATE : 15th FEBRUARY, 2016.

PER COURT:

1] The petitioner assails the order passed by the Appellate Authority to the extent of imposing penalty and directing initiation of disciplinary action against the petitioner. According to the petitioner, the order passed is without hearing the petitioner. The petitioner has stated in the petition that the information sought is supplied free of cost. Initially,

respondent No.2 was directed to deposit the amount, however, he did not deposit the amount and subsequently, it has been supplied free of cost.

2] Learned AGP submits that as there is a dereliction of duty by the petitioner, the appellate authority has rightly imposed penalty and has directed to initiate disciplinary action in accordance with the Act and the Rules. There is nothing on record to suggest that the present respondent No.2 was entitled to information without depositing the necessary charges. Letter has been issued to the respondent No.2 to deposit the charges and take the information. It appears that charges have not been deposited by the respondent No.2. Subsequently, he has been directed to supply information free of cost. It is trite that before passing an order inviting adverse civil consequence, the party ought to be heard. However, the petitioner was not heard before passing the said order. The impugned order, therefore, cannot sustain.

3] In the light of the above, the impugned order dated 6.10.2007 in respect of directing initiation of disciplinary action against the petitioner is quashed and set aside. Rule made absolute in above terms.

[A.M. BADAR]
JUDGE

[S.V. GANGAPURWALA]
JUDGE

grt/-