

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.1840 OF 2015

[Mangesh D. Gakre .vs. The State of Maharashtra and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.M. Joshi, Assistant Government Pleader for the respondents.

CORAM : SMT. VASANTI A. NAIK AND
A.S. CHANDURKAR, JJ.

DATED : MARCH 04, 2016.

By this writ petition, the petitioner seeks a direction to the State Information Commissioner-respondent no.3 to decide the application/complaint filed by the petitioner, dated 10.6.2013, as expeditiously as possible.

According to the petitioner, the petitioner had made an application under the Right to Information Act to the respondent no.2 - City Survey Officer No.3, Nagpur for supplying some information. Since the information was not supplied, the petitioner filed First Appeal, that was decided by the State Information Commissioner, by the order dated 31.7.2012. According to the petitioner, though the appeal filed by the petitioner was disposed of by the State Information Commissioner, the State Information Commissioner directed an inquiry in the matter about the alleged wrongful information that was supplied to the petitioner and submit the report to the State Information Commissioner, within a period of two months. According to the petitioner, though the State Information Commissioner had directed the respondents to submit the report in respect of the inquiry that was direct, the respondents have

not taken any steps in the matter.

It is held by this Court time and again by referring to the provisions of Section 20 of the Right to Information Act, 2005 that the Chief Information Commissioner would only have the power to recommend disciplinary action against the Central Public Information Officer or the State Public Information Officer and the Chief Information Commissioner would not have jurisdiction to seek the compliance of his order directing an enquiry. It appears that the Chief Information Commissioner has jurisdiction only to recommend disciplinary action, but he cannot issue a direction for disciplinary action and seek the compliance report.

We also find that the petitioner is not diligent in prosecuting the matter, inasmuch as though the petitioner had made the complaint before the Chief Information Commissioner on 10.6.2013, the writ petition was filed on 18.2.2015 and despite service of notice on the petitioner for engagement of another counsel, there is no appearance on behalf of the petitioner.

In view of the aforesaid, the writ petition is dismissed, with no order as to costs.

JUDGE

JUDGE