

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE R. SUBBIAH

W.P.No.12604 of 2014

N.Asirvadhamma

... Petitioner

Vs.

The Public Information Officer and
Executive Engineer
Zone - VI, Corporation of Chennai,
No.5, Anderson Road,
Ayanavaram, Chennai-23.

2.The Central Public Information Officer cum
Chief Accounts Officer (Admn)
(Appellate Authority Officer (Admn)),
Central Accounts Committee,
Corporation of Chennai,
Rippon Buildings, Chennai-3.

3.The State Information Commission,
No.2, Thegarayar Salai,
Near Aalai Amman Koil,
Teynampet, Chennai-18.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the first respondent to supply the information as sought for by the petitioner through her counsel's letter dated 08.05.2013 and as directed by the State Information Commission vide its order in NO.3479/2014, dated 27.02.2014 and issue any further orders as deem fit in the circumstances of the case.

For Petitioner :Mr.Arunachalam Associates.

For respondents :Mrs.Karthika Ashok for R1 and R2.

Mr.Niranjana Rajagopalan
for M/s.G.R.Associates for R3.

O R D E R

The petitioner has come forward with the present Writ Petition seeking for issuance of Mandamus to direct the first respondent to supply the information as sought for by the

petitioner through her counsel's letter dated 08.05.2013 and as directed by the State Information Commission vide its order in NO.3479/2014, dated 27.02.2014 and issue any further orders as deem fit in the circumstances of the case.

2.The petitioner's husband late N.Venkatiah worked as Sanitary Worker in the Corporation of Chennai under Division 66, Part-16, Zone-VI (Old Division No.50A, Part-10, Zone-IV) with employment Number 745557 FD, who died while in service on 27.11.2010.

3.On verification of the bank accounts of late N.Venkatiah, the petitioner found that sum of Rs.88,135/- was reported to have been transmitted to the account of petitioner's husband during the month of May 2010, being the part final payment of GPF advance vide GPF final account settlement report for the month of November 2010, dated 2nd June 2011. But, the said amount of Rs.88,135/- has not been received by the petitioner's husband in his bank account. The pass book entries of the said account operated with the Indian Overseas Bank, Periyar Nagar Branch in Savings Bank A/c.No.17670 also not reflected the credit of Rs.88,135/- either through money transfer or through collection of cheque during the month of May 2010.

4.The petitioner made all efforts to ascertain the correctness regarding the payment of GPF part final. Therefore, the petitioner sent a letter through her counsel dated 08.05.2013, to the Public Information Officer-cum-Joint Commissioner (Admn), Corporation of Chennai, Chennai-3 requesting to furnish the following particulars under Right to Information Act, 2005, which are as follows :-

1. The Sanction Order No. and date of sanction of GPF part final payment, the designation of sanctioning authority and the copy of the sanction order.
2. The designation of drawing authority and if drawn, the mode of withdrawal i.e, by Cash or cheque. If it is by Cheque, the Cheque number and payee bank.
3. Details of encashment of the said amount.
4. Whether the employee affixed his signature in acquaintance Register and the date of disbursement of the amount.

5.The said letter was forwarded to the Public Information Officer, Central Account Committee, Corporation of Chennai by letter No.P.D.ROC.No.G2/022632/2013 dated 27.05.2013 stating that he is the competent authority to furnish the information. There again, the letter dated 08.05.2013 was transmitted to Zone IV, Corporation of Chennai, Tondiarpet, with an endorsement in Acc.A/1716/2013 dated 03.06.2013 under intimation to the petitioner's counsel by its letter dated 04.06.2013.

6. In the meanwhile, the first respondent in his letter No.Zo.6 Roc.No.E2/7008/2013, dated 26.06.2013 has sent a reply to the petitioner's counsel stating that on request made by the late Venkataiah for an advance from GPC account, recommendation was made from the office for the sanction of an amount of Rs.88,135/- and the said amount has been disbursed by the EDP cell, Corporation of Chennai. The copy of the computer printout in respect of the disbursement of the said amount is also enclosed alongwith with this letter. But, no such information has been found alongwith the letter dated 26.06.2013. On receipt of said reply, the petitioner's counsel sent another letter dated 24.09.2013 to the first respondent requesting to furnish the copy of the computer print out as stated in his letter dated 26.06.2013. Since no reply has been received from the first respondent. The petitioner's counsel preferred an appeal before the second respondent dated 12.11.2013 under Section 19 of the Right to Information Act, 2005, for furnishing the information as sought for.

7. Thereafter, the petitioner's counsel preferred second appeal before the State Information Commission, Chennai for directing the respondents to furnish the information as sought for. The third respondent/Tamil Nadu Information Commission, Chennai in its Order No.3479/D/14 dated 27.02.2014 directed the Public Information Officer, Corporation of Chennai, Zone IV, Chennai-23/first respondent to furnish the left out items of information clearly and fully as sought for. In spite of specific directions issued by the State Information Commission to the respondents 1 and 2, the respondents failed to furnish the information. Hence, the petitioner filed the present writ petition.

8. Today, when the matter is taken up for consideration, the learned counsel appearing for the third respondent submitted that already on 27.02.2014 itself, the third respondent in his letter Order No.3479/D/14 directed the first respondent to furnish the information for the left out items clearly and fully as sought for by the petitioner and further stated that since there is delay in furnishing the information, necessary action would be initiated against the concerned officer under Section 20 of the Act.

9. Considering the submissions made on both sides, this Court directs the first respondent to furnish all the necessary particulars, in the light of the communication sent by the third respondent in its Order No.3479/D/14 dated 27.02.2014, within a period of two weeks from the date of receipt of a copy of this order.

10.The writ petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True copy

Sub-Assistant Registrar

To

The Public Information Officer and
Executive Engineer
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No.5, Anderson Road,
Ayanavaram, Chennai-23.

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No.2, Thegarayar Salai,
Near Aalai Amman Koil,
Teynampet, Chennai-18.

+1 cc to M/s.Karthikaa Ashok Advocate sr.22060
+1 cc to M/s.S.Arunachalam Associates sr.22426
+1 cc to M/s.G.R.Associates sr.21977

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