



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.10.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.19735 of 2016

R.Sundaramoorthy

... Petitioner

Vs.

1.The Central Public Information Officer,
Central Information Commission,
Indian Overseas Bank,
Regional Office III Floor,
Rachna Building, Rajendra Place,
New Delhi-08.

2.The General Manager/Appellate Authority,
Indian Overseas Bank, Central Office,
763, Anna Salai,
Chennai-02.

3.The Central Assistant Public Information Officer,
Indian Overseas Bank, Regional Office,
Anna Nagar, Madurai-20.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st Respondent to take the appeal dated 08.06.2016 on file and dispose it in accordance with law within the stipulated period.

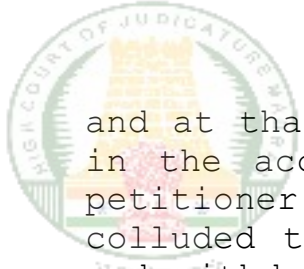
For Petitioner
For Respondents

: Mr.M.Jothi Basu
: Mr.N.Dilip Kumar

ORDER

The petitioner has filed this Writ Petition seeking a direction, directing the 1st respondent to take the appeal dated 08.06.2016 on file and dispose it in accordance with law.

2.According to the petitioner, he is having a Savings account in Indian Overseas Bank, Virudhunagar Branch. He has deposited a sum of Rs.1,00,000/- on 08.11.2010. Subsequently, on 04.02.2013, he went to the Bank to carry out necessary entries



and at that time, he found that only a sum of Rs.1/- is available in the account. During the enquiry, he came to know that the petitioner's younger son Palanikumar and the Bank Manager Mr.Kumar colluded together and obtained ATM card in the petitioner's name and withdrew the amount on various dates, hence, a criminal case was also lodged by the petitioner. Pending criminal case, the petitioner sought for an information, on 02.07.2014 from the Information Officer, Indian Overseas Bank, Virudhunagar Branch under the Right to Information Act. Subsequently, on 15.07.2015, the Central Assistant Public Information Officer, Indian Overseas Bank, Madurai sent a reply that his application is not in accordance with law and fees also not properly paid. Hence, on 21.07.2014, he sent a petition to the Central Assistant Information Officer, Madurai through registered post, after rectifying the defect. But the same was rejected on the ground that the information sought for by the petitioner is exempted under Sections 8(i) (d) (h) (e) of the Right to Information Act, 2005 and against that order, he filed an appeal before the General Manager/Appellate Authority, Indian Overseas Bank, Central Office, Chennai-2 and the appeal was also rejected on the very same ground. Hence, he filed another appeal before the first respondent, which was received by the first respondent on 22.08.2016. Sofar, the appeal is not yet disposed of. Hence, he has filed the present writ petition.

3.The learned counsel appearing for the respondents submitted that the second appeal lies only before the Central Information Commissioner, New Delhi. But the petitioner filed the second appeal wrongly before the first respondent. Hence, the same is not maintainable.

4.In view of the same, since the petitioner filed an appeal before the authority, who is not competent to deal with the same. Hence, the relief sought for by the petitioner cannot be granted. However, it is always open to the petitioner to file an appeal before the competent authority, if he is so advised. With the above observation, this writ petition is dismissed. There shall be no order as to costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

vs

To

1.The Central Public Information Officer,
Central Information Commission,

<https://hcservices.india.gov.in/services>
Indian Overseas Bank, Regional Office III Floor,
Rachna Building, Rajendra Place,
New Delhi-08.



2.The General Manager/Appellate Authority,
Indian Overseas Bank, Central Office,
763, Anna Salai,
Chennai-02.

3.The Central Assistant Public Information Officer,
Indian Overseas Bank, Regional Office,
Anna Nagar, Madurai-20.

+1cc to Mr.G.Marimuthu,Advocate Sr.No. 62634

+1cc to Mr.N.Dilip Kumar Advocate Sr.No. 62018

JAM/14.11.16/GSV-PM/ 3p-6c

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