



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2016

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE V. BHARATHIDASAN

Writ Petition(MD)No.710 of 2011

and

M.P(MD)Nos.2 & 3 of 2011

M.Gurunathan

... Petitioner

Vs.

1.The Tamil Nadu Information Commission,
Rep. By its Chairman,
Kamadhenu Super Market 1st Floor,
No.273, New No.378, Anna Salai,
Teynampet,
Chennai - 600 018.

2.The District Collector,
Collectorate,
Pudukottai District.

3.The Tahsildar,
Taluk Office,
Aranthangi Taluk,
Pudukottai District.

... Respondents

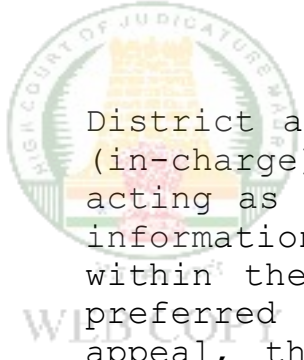
Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records pertaining to the impugned order in Case No.16612/0-8/09, dated 12.08.2010 on the file of the Respondent No.1 and quash the direction (b) as illegal.

For Petitioner : Mr.T.Lajapathi Roy
For R-1 : Mr.Pala Ramasamy
For R-2 & R-3 : Mr.N.S.Karthikeyan,
Additional Government Pleader

ORDER

The present Writ Petition is filed challenging the order passed by the first respondent, dated 12.08.2010, imposing the penalty of Rs.25,000/- and also framing charge under Rule 17(b) of the Tamil Nadu Civil Services(Discipline & Appeal) Rules.

<https://hcservices.ecourts.gov.in/hcservices/>
2. According to the petitioner, he was working as Special Deputy Tahsildar(Election) at Aranthangi Taluk, Pudukottai



District and he was also appointed as Public Information Officer (in-charge) between 09.01.2010 and 05.03.2010. While he was acting as Public Information Officer, one Rajendran sought for an information from his office. Since it was not furnished to him within the time stipulated in the Right to information Act, he preferred an appeal before the first respondent. In the said appeal, the first respondent passed the impugned order imposing penalty of Rs.25,000/- payable by the petitioner and issued a direction to the District Collector, Pudukottai, to frame a charge against him under Rule 17(b) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules.

3. According to the learned counsel for the petitioner, the first respondent passed the impugned order without affording an opportunity of hearing to the petitioner. Under Section 20(1) of the Right to Information Act, the Authorities should give a reasonable opportunity of being heard before any penalty is imposed against them.

4. The learned counsel for the petitioner has also relied upon the order passed by this Court in W.P(MD)No.82 of 2010, dated 19.11.2007. In which, this Court elaborately considered the scope of Section 20(1) of the Act, referring to the judgments of the Honourable Supreme Court, allowed that Writ Petition, the facts of the present case is also similar to that case.

5. Heard the learned counsel for the respondents.

6. From the perusal of the records, it is seen that the first respondent passed the impugned order without affording an opportunity of hearing to the petitioner, therefore, in the light of Section 20(1) of the Right to Information Act as well as the orders passed by this Court in W.P(MD)No.82 of 2010, the impugned order, dated 12.08.2010, passed by the first respondent, is liable to be set aside.

7. In the result, the Writ Petition is allowed, consequently, the impugned order, dated 12.08.2010 passed by the first respondent, is hereby set aside and the matter is remitted back to the first respondent with a direction to give notice to the petitioner and pass suitable orders after giving an opportunity of hearing to the petitioner. Such exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Records)

/True copy/



To

1.The Chairman,
Tamil Nadu Information Commission,
Kamadhenu Super Market 1st Floor,
No.273, New No.378, Anna Salai, Teynampet, Chennai - 600 018.

2.The District Collector,
Collectorate, Pudukottai District.

3.The Tahsildar,
Taluk Office, Aranthangi Taluk, Pudukottai District.

+1 CC to Mr.T.LAJAPATHI ROY, Advocate, SR No.50896

+1 CC to Mr.PALA.RAMASAMY, Advocate, SR No.51039

W.P (MD) No.710 of 2011
07.09.2016

pm

SH/SS-3/SAR-I:23.09.2016:3P/6C