

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2722 of 2016**

- O.P. Verma (Om Prakash Verma) S/o. Late Shri Manbodh Verma, Aged About 57 Years Occupation Service, Sub Divisional Officer (Rev.) Kharsia, Distt. Raigarh, Presently Working As Dy. District Election Officer, Bilaspur (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue, New Mantralaya, Mahanadi Bhawan, New Raipur (Chhattisgarh)
2. The Secretary, Department Of General Administration, New Mantralaya, Mahanadi Bhawan, New Raipur (Chhattisgarh)
3. The State Information Commissioner (Second Appellate Authority, Under R. T. I. Act), Raipur (Chhattisgarh)
4. The Collector, Distt. Raigarh (Chhattisgarh)
5. The Additional Collector, Distt. Raigarh (Chhattisgarh) (First Appellate Authority Under R. T. I. Act)
6. Gada Rai Sanyasi Mehar, Ex- Counselor, Ward No. 08, Khanti Talab Mohalla, Kharsia, Distt. Raigarh (Chhattisgarh).....(Complainant)

---- Respondent**And****WPC No. 2723 Of 2016**

- O.P. Verma (Om Prakash Verma) S/o Late Shri Manbodh Verma Aged About 57 Years Occupation- Service, Sub Divisional Officer (Rev.) Kharsia, Distt. Raigarh, Presently Working As- Dy. District Election Officer, Bilaspur, Chhattisgarh

---- Petitioner**Vs**

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue, New Mantralaya, Mahanadi Bhawan, New Raipur, Chhattisgarh
2. The Secretary, Department Of General Administration, New Mantralaya, Mahanadi Bhawan, New Raipur, Chhattisgarh

3. The State Information Commissioner (Second Appellate Authority, Under R.T.I. Act), Raipur, Chhattisgarh
4. The Collector, District Raigarh, Chhattisgarh
5. The Additional Collector, District Raigarh, Chhattisgarh, (First Appellate Authority under R.T.I. Act)
6. Manbodh Kumar Srivas, Ex- Counselor, Ward No. 08, Khanti Talab Mohalla, Municipal Corporation- Kharsia, District- Raigarh, Chhattisgarh

---- Respondent

For Petitioner : Shri A.N. Bhakta, Advocate.
For Respondent/State : Shri UNS Deo, Govt. Advocate.
For Respondent No.3 : Shri Shyam Tekchandani, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

04/01/2017

1. The petitioner has called in question the order passed by the State Information Commission whereunder while allowing the appeal preferred by the private respondent, the Commission has directed the State Government to seek explanation from the petitioner and thereafter to initiate disciplinary proceeding, if required.
2. By an interim order passed on 9.11.2016, this Court has stayed the effect and operation of the impugned order insofar as it affects the petitioner.
3. Learned State Counsel would submit that pursuant to the order passed by the Commission, competent authority of the State Government has issued show cause notice to the petitioner, however, because of the pendency of this petition, the matter has not been processed further. He would submit that if the petitioner

prefers reply to the show cause notice, the State Government shall examine the matter to decide whether or not any disciplinary enquiry is required against the petitioner. He would submit that neither the Commission has issued any mandatory direction nor the State Government has decided to hold any disciplinary enquiry against the petitioner. Appropriate decision shall be taken, in accordance with law, after the petitioner submits reply to the show cause notice.

4. Let the petitioner submit reply to the show cause notice issued by the State Government within a period of one month from today. Considering the petitioner's reply, the State Government shall take decision in the matter, at the earliest, preferably within a period of 3 months from the date of submission of reply. It is made clear that the State Government shall decide the matter strictly in accordance with law without taking Commission's direction mandating initiation of disciplinary enquiry. In the event of any adverse order, the petitioner would be at liberty to move afresh before this Court to challenge the order passed by the State Government as well as the present impugned order.
5. With the aforesaid observations/directions, the writ petition stands disposed of.

Sd/-
Judge
(Prashant Kumar Mishra)