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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1079 of 2015**

- S. N. Ram, Aged About 58 Years, son of Late Shri Renu Ram, occupation Service, Sub Divisional Officer (Rev) Department of Revenue, Sub Division Dharamjaigarh, Tahsil Dharamjaigarh, Raigarh Civil and Revenue District Raigarh (CG) (Public Information Officer under the Right to Information Act, 2005)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary Department Of Revenue New Raipur Mahanadi Bhawan Mantralaya Raipur Chhattisgarh
2. State Information Commissioner Raipur Chhattisgarh
3. Collector, Distt. Raigarh Chhattisgarh
4. Additional Collector, Distt. Raigarh Chhattisgarh (First Appellate Authority under the Right to Information Act, 2005 of District Raigarh)
5. Harish Chandra Rathia S/o Shri Gajeram Rathia Aged About 37 Years occupation Agriculture, R/o Village Kusalda, Tahsil Dharamjaigarh, Raigarh Civil And Revenue Distt. Raigarh Chhattisgarh

---- Respondent**And****WPC No. 1078 Of 2015**

- S. N. Ram, Aged About 58 Years, son of Late Shri Renu Ram, occupation Service, Sub Divisional Officer (Rev) Department of Revenue, Sub Division Dharamjaigarh, Tahsil Dharamjaigarh, Raigarh Civil and Revenue District Raigarh (CG) (Public Information Officer under the Right to Information Act, 2005)

---- Petitioner**Vs**

1. State Of Chhattisgarh Through- The Secretary, Department Of Revenue, New Raipur, Mahanadi Bhawan, Mantralaya, Raipur (Chhattisgarh)

2. State Information Commissioner Raipur (Chhattisgarh)
3. Collector Distt. Raigarh (Chhattisgarh)
4. Additional Collector Distt. Raigarh (Chhattisgarh) (First Appellate Authority under the Right to Information Act, 2005 of District Raigarh)
5. Harish Chandra Rathia S/o Gajeram Rathia Aged About 37 Years occupation Agriculture, R/o Village- Kusalda, Tahsil Dharamjaigarh, Raigarh, Civil And Revenue Distt. Raigarh (Chhattisgarh)

---- Respondent

For Petitioner : Shri A.N. Bhakta, Advocate.
 For Respondent/State : Shri Arvind Dubey, Panel Lawyer.
 For Respondent No. 2 : Shri S. Tekchandani, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

08/03/2017

1. While deciding the second appeal preferred by respondent No.5, the State Information Commission has directed the General Administration Department, Government of Chhattisgarh to initiate disciplinary enquiry against the petitioner for his default for supplying the required information after enormous delay under the Right to Information Act.
2. Since the petitioner is aggrieved only against said part of the order where departmental enquiry has been directed against him, therefore, considering the provisions contained in Section 20 (2) of the Right to Information Act, 2005 wherein the Commission has been authorized to recommend for disciplinary action, ends of justice would be served if the writ petitions are disposed of with a direction that the direction issued in para-4 of the impugned order shall be treated by the State Government as recommendation only and the State Government shall proceed to hold enquiry, if it so desires, on the basis of entire facts and

circumstances of the case and not only on the basis of recommendation of the Commission. Before initiating any enquiry, the petitioner shall be given opportunity of hearing to put forth his case.

3. Ordered accordingly.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve