

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

84 WRIT PETITION NO. 8434 OF 2013

BANSI GANPATRAO BANGAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Sharad Bangar
AGP for Respondents/State: Mr. S.N. Morampalle
Advocate for Respondents : Mr. M.V. Navandar for R/3.
...

CORAM : S.V. GANGAPURWALA, J.
DATE : 29.08.2017

P.C. :

. None appears for the petitioner.

2. I have heard the learned counsel for the respondent no.3. The petitioner assails the order passed by the respondent only to the extent of penalty being levied to him of Rs. 10,000/-

3. The penalty is levied upon the petitioner by the respondent no.2 on the premise that the petitioner did not supply the information to the respondent no.3 as solicited and had shown negative approach. According to the petitioner, the petitioner informed respondent no.3 by letter dated 21.08.2009 that the information sought by him is not available with the office and it will be supplied as and when it is available.

4. It appears that the appeal was allowed and respondent no.2 directed the S.L.R., Aurangabad to take hearing on the

application dated 31.08.2009. The said appeal was decided and the petitioner was directed to make available the information sought by respondent no.3. According to the petitioner, show cause notice was issued to the petitioner and the petitioner was asked to give explanation. The respondent no.2 directed to deposit fine of Rupees Ten Thousand for delay in providing information to respondent no.3.

5. The petitioner no doubt is bound to provide the information as directed and sought by respondent no.3. It appears that the petitioner has retired from service. The explanation given by the petitioner is that the information sought by respondent no.3 in question no.1 was bulky in general and not particular and it required large number of persons from the staff to provide such bulky information to the applicant and the information sought on question no.2 was for the period 1999 to 2003. The list is available for the period of five years and hence information sought was not available.

6. Considering the above and the fact that the petitioner has already retired, the impugned order is quashed and set aside to the extent of imposing penalty against the petitioner. Writ petition accordingly stands disposed of.

(S.V. GANGAPURWALA)
JUDGE