

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2017

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE M.SUNDAR

W.P.No.43539 of 2016
(Suo-motu)

1. The Joint Secretary,
Administrative Reforms Wing,
Chief Secretariat,
Government of Puducherry,
Puducherry.
 2. The Joint Secretary (UT),
Ministry of Home Affairs,
Union of India,
New Delhi.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the first respondent to file an affidavit explaining the circumstance under which the Notification G.O.Ms.No.7/2007/A2/ARW dated 31.07.2007 was issued and also directing the second respondent to file an affidavit explaining the circumstance under which D.O.Letter No.U-13028/14/2006-GP dated 13.6.2007 was issued, immediately.

For Respondents : Mr.C.Ramesh
Additional Government Pleader
(Pondy) for R1

Mr.Venkatasamy Babu for R2

Mr.V.Vasanthakumar
Advocate - assisted the Court

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The affidavit filed by the Additional Secretary on behalf of respondent No.1 shows that the appointment earlier made on the Information Commission, Puducherry was assailed in W.P.No.31921 of 2006 on the ground of lack of competency to appoint the Chief

Information Commissioner. The department of Personnel & Training vide their Office Memorandum dated 13.11.2006 opined that a Union Territory cannot constitute an Information Commission by itself and constitution of the Information Commission by the Government of Puducherry was contrary to the Central Act. The Government of Puducherry was directed to wind up the State Information Commission constituted by the Government of Puducherry.

2. It has also been averred that the definition of "appropriate authority" under Section 2(a) of the Right to Information Act, 2005 confers power on the Central Government authority for appointment in case of Union Territory.

3. Insofar as the current situation is concerned, it is stated that the Central Information Commission has jurisdiction to hear the second appeals, complaints arising against the Public Information Officers of public authorities of the Union Territory of Puducherry through video conference, which are easily accessible at the Chief Secretariat Building, Puducherry. It has been averred that all over the country, no other Union Territories are having exclusive Information Commission.

4. Mr.V.Vasanthakumar, learned counsel who assisted the Court points out that the difficulty is that there are different local languages in Puducherry viz., Tamil, Telugu and Malayalam and thus the languages are used which may create some complications.

5. We are of the view that this is an aspect which has to be examined by the Central Government and it may take a call on the issue within a period of three months from today.

6. The writ petition, accordingly, stands disposed of. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

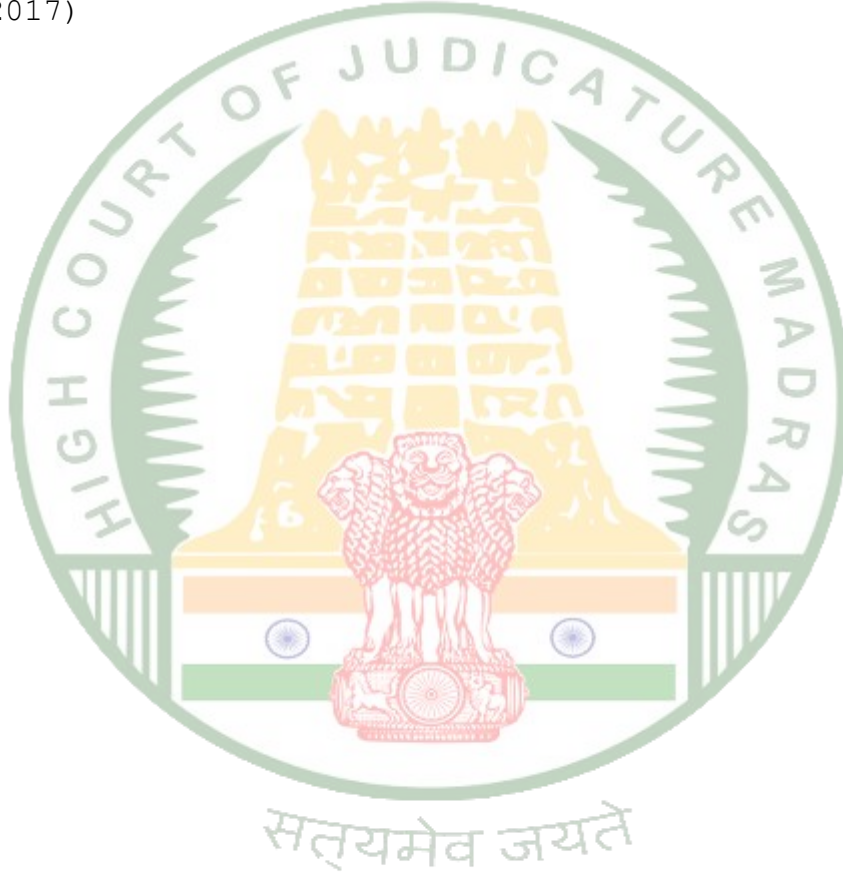
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+1cc to Mr.Venkatasamy Babu, Advocate, S.R.No.7647

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VSN(CO)
CA(14/02/2017)



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