



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Writ Petition (MD) No.14177 of 2014

and

M.P(MD)No.1 of 2014

S.Durairaju

... Petitioner

Vs.

1.The Central Information Commission,
II Floor, August Kranthi Bhavan,
Bikaji Cama Place, New Delhi 110 066.

2.Rengarajan
The Then Appellate Authority/
The Principal Accountant General,
O/o.The Principal Accountant General,
361, Anna Salai, Thenampet,
Chennai 18.

3.Gopal
The Then Public Information Officer/
O/o.The Principal Accountant General,
361, Anna Salai, Thenampet,
Chennai 18.

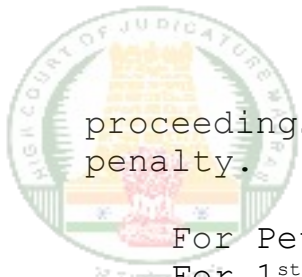
4.The Government of Tamil Nadu,
rep by its Secretary,
Rural Development and Panchayat Raj
Department, Secretariat,
Chennai 600 009.

5.The Director,
Rural Development and Panchayat Raj,
Panagal Building, Saidapet,
Chennai.

6.The District Collector,
Trichirappalli.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the Impugned Order passed by the 1st respondent CIC/SM/2013/000484 - SS dated 21.04.2014 in the second appeal and quash the same and declare that the documents provided by the 3rd respondent are all exempted under section 8(1)(h)(g) and (e) of RTI Act and direct to take disciplinary



proceedings against 2nd and 3rd respondents along with maximum penalty.

For Petitioner : Mr.R.Bharathiraja
For 1st Respondent : Mr.R.Nandakumar
For Respondents 2&3 : Mr.P.Gunasekaran
For Respondents 4-6 : Mr.V.R.Shanmuganathan,
Special Government Pleader.

ORDER

(Order of the Court was made by **T.S. SIVAGNANAM, J**)

Heard Mr.R.Bharathiraja, learned counsel for the petitioner, Mr.R.Nandakumar, learned counsel for the first respondent, Mr.P.Gunasekaran, learned counsel for the respondents 2 and 3, and Mr.V.R.Shanmunaganathan, learned Special Government Pleader for the respondents 4 to 6.

2.This writ petition has been filed challenging an order passed by the Central Information Commission. The petitioner sought for information as to how and why information sought for by one of his co-delinquent Ms.Lalitha was furnished. According to the petitioner, the furnishing of information is contrary to Section 8 (g) of the Right to Information Act, 2005. It is to be noted that the petitioner, who was working as Block Development Officer appeared to have joined hands with the Ms.Lalitha and misappropriated the funds of the panchayat. When disciplinary action was initiated against both of them, the said Lalitha appears to have approached the authorities and sought for information under the Right to Information Act, 2005, with regard to the vouchers and cheques signed or issued by the petitioner who was the then Block Development Officer. The said information was furnished.

3.The petitioner on coming to know about that he has given an application under the Right to Information Act stating that under what basis such information was furnished to her. The Public Information Officer has clearly disclosed as to how and why the information was furnished. Not satisfied with the said reply, the petitioner preferred first appeal and the first appellate authority passed orders on the merits of the appeal. Further being not satisfied with the order passed by the first appellate authority, the petitioner approached the second appellate authority, namely, the first respondent, the first respondent has passed an order dated 21.04.2014 which is impugned in this writ petition.

<https://hcservices.ecourts.gov.in/hcservices/> 4/46
After hearing the learned counsel for the parties and perusing the materials placed on record, we find that there is no error in the impugned order. Furthermore, the information



furnished will not contravene Section 8(g) of the Act. Further, the petitioner is one of the co-delinquents and the information which was furnished to the other delinquent Ms.Lalitha pertains to the records available with the respondents. The said records available with the Public Information Officer are not classified information nor the information as held by the authorities is in fiduciary capacity. Therefore, we find no infirmity or irregularity in the order passed by the first respondent.

5.Accordingly, the writ petition is dismissed. No costs. Consequently, M.P(MD)No.1 of 2014 is closed.

Sd/-
ASSISTANT REGISTRAR(P&A)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

- 1.The Central Information Commission,
II Floor, August Kranthi Bhavan,
Bikaji Cama Place, New Delhi 110 066.
- 2.The Secretary,
Government of Tamil Nadu,
Rural Development and Panchayat Raj
Department, Secretariat, Chennai 600 009.
- 3.The Director,
Rural Development and Panchayat Raj,
Panagal Building, Saidapet, Chennai.
- 4.The District Collector, Trichirappalli.

+1 CC TO MR.R.NANDAKUMAR,ADVOCATE,SR NO.19050

+1 CC TO MR.P.GUNASEKARAN,ADVOCATE,SR NO.50352

+1 CC TO MR.R.BHARATHIRAJA,ADVOCATE,SR NO.19238

+1 CC TO SPECIAL GOVERNMENT PLEADER SR NO.19348

sms

MAS/JC:08.05.2017:3P-9C

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and
M.P (MD) No.1 of 2014
03.04.2017