



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2017

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THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.22070 of 2015

M.Sankara Subramanian

... Petitioner

Vs.

1.The Chief Information Commissioner,
Tamil Nadu State Information Commission,
Chennai.

2.The Director General of Police,
Law and Order,
Office of the Director General of Police,
Chennai - 4.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to dispose of the petitioner's representation dated 20.04.2015 on merits and in accordance with law within the time frame fixed by this Court.

For Petitioner :M.Sankara Subramanian
(party in person)

For Respondent :Mr.A.Muthukaruppan,A.G.P., (for R2)
Mr.K.K.Senthil (For R1)

ORDER

The petitioner seeks for a direction to the second respondent to dispose of his representation, dated 20.04.2015, on merits and in accordance with law.

2.According to the petitioner, he has submitted an application to the second respondent on 20.04.2015 under Right to Information Act to furnish information regarding the details of action taken on his review petition dated 06.06.2013 and to furnish a copy of the review petition and also the details of action taken on the review petition dated 01.01.2015 of Home (Police) Department, Government of Tamil Nadu, regarding the petition dated 12.12.2013 under RTI Act.



3.It appears that the petitioner, who was working in the police department, was dismissed from service and for reconsideration of the penalty imposed, he filed review before the competent authority, i.e., the second respondent herein.

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4.According to the petitioner, no action was forthcoming from the competent authority and therefore, he had to move the authority under Right to Information Act asking for the above details.

5.Separate counter affidavits have been filed on behalf of the first and second respondents.

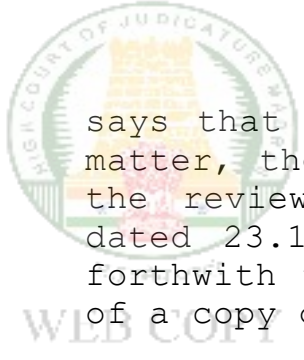
6.According to the first respondent, during the pendency of the writ petition, final order was passed in respect of the application filed under RTI Act in respect of S.A.No.9846/F/2015 on 06.02.2017. As per the said proceedings, the petitioner did not participate in the enquiry held on 06.02.2017 and therefore, the second respondent by the said proceedings has closed the appeal as no order was necessary to be passed in the appeal.

7.As regards the second respondent is concerned, in their counter affidavit, it is stated that the review petition filed on 23.11.2015 is under consideration. This counter affidavit has sworn in during January 2017.

8.I have perused the records and pleadings made available. I am of the view that the petitioner instead of challenging the order of penalty imposed on him, has been unnecessarily pursuing his remedy under Right to Information Act and the issue raised by him under Right to Information Act cannot result in any relief being granted to the petitioner.

9.In such view of the matter, the petitioner has been pursuing unnecessary course of action, which is not going to help him in remedying the situation, as according to him, he was wrongfully dismissed from service. Even assuming that if the petitioner has been punished wrongfully, proper remedy would be to challenge the order of penalty before the competent Court of law instead of pursuing his remedy under Right to Information Act, which is not going to help him as stated supra.

10.Be that as it may, according to the counter affidavit filed on behalf of the second respondent, the review petition dated 23.11.2015 is under consideration. However, there is no explanation by the second respondent as to why the review petition has been kept pending for more than one year. If only the review petition had been disposed of in one way or the other, the petitioner would not have been forced to seek remedy under the Right to Information Act. In any event, the counter affidavit



says that the review is under consideration. In such view of the matter, the second respondent is directed to pass final orders on the review petition said to have been filed by the petitioner dated 23.11.2015 and communicate the decision to the petitioner forthwith within a period of two months from the date of receipt of a copy of this order.

11 .In view of the above direction, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar (Records)
/True copy/

Sub Assistant Registrar

To

1.The Chief Information Commissioner,
Tamil Nadu State Information Commission,
Chennai.

2.The Director General of Police,
Law and Order,
Office of the Director General of Police,
Chennai - 4.

+2 CC to M/s.M.SANKARA SUBRAMANIAN, Party in Person, SR No. 12844

+1 CC to M/s.K.K.SENTHIL, Advocate, SR No. 13058

+1 CC to M/s.THE SPECIAL GOVERNMENT PLEADER, SR No. 13178

SKN

PSM/SKN-RSK/22.03.2017/3P/7C

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