

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 1039 of 2012**

S.K. Shrivastava, S/o Late J. L. Shrivastava, age 61 years, Retired Deputy Director, Department of Fisheries, R/o Dr. A.K. Verma, Doctors Colony, Saraswati Nagar, Pratap Chowk, Bilaspur (C.G.)

---- **Petitioner**

Versus

1. State Information Commissioner, Chhattisgarh, Office of the State Information Commission, Nirmal Chhaya Bhawan, Meera Datar road, Shankar Nagar, Raipur (C.G.)
2. Joint Director, Fisheries – cum-First Appellate Authority under the Provisions of Right to Information Act, 2005, Directorate of Fisheries, Near Railway Crossing, Telibandha, Raipur (C.G.)
3. Deputy Director, Fisheries-cum-Chief Executive Officer, Fish Farmer Development Authority / Public Information Officer, Department of Fisheries, District Durg (C.G.)
4. Inderchand Soni Social Worker, R/o Jawahar Chowk, Durg, District Durg (C.G.)

---- **Respondents**

For Petitioner	:	Shri A.K. Prasad, Advocate.
For Respondents	:	None for respondents, though served.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

21/06/2018

(1) Learned counsel appearing for the petitioner would submit that the issue raised in this writ petition is squarely covered with the decision rendered by this Court in Writ Petition (C) No. 921 of 2012 (**S.K. Shrivastava Vs. State Information Commissioner, Chhattisgarh and others**), decided on 16.10.2015, therefore, this

writ petition may be disposed of in terms of paragraph 6 of the aforesaid order, which read as under:-

“6. Having thus noted the facts described above and the provision of law pressed into service by counsel for the petitioner, for a trivial technical flaw on the part of the petitioner, he cannot be made to pay a heavy cost in the form of penalty etc. It would be relevant to note here that at the time of passing of the order impugned, the petitioner has already retired from service and in the efflux of time the relevant information sought for by respondent No.4 has already been supplied to him. In this view of the matter, the imposition of penalty by the impugned order appears to be too harsh and is required to be reduced to Rs.500. Order accordingly. In addition to this, the impugned order carrying a direction for the petitioner to pay Rs.500/- to respondent No.4 towards mental agony being an unjust one is also set aside”

- (2) In view of above, the amount of penalty imposed upon the petitioner i.e. Rs. 5,000/- is reduced to Rs. 500/-; and the imposition of cost of Rs. 500/- is set aside.
- (3) The writ petition is allowed to the extent indicated hereinabove.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-