

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.8424 of 2016

V.Rajasekaran

....

Petitioner

Vs

1. The Chief Information Commissioner
Central Information Commission
August Kranti Bhawan, Bhikaji Cama Place
New Delhi - 110 006.
2. The First Appellate Authority under RTI
The Transport Commissioner,
Transport Department, 100 Feet Road
Opposite Bus Stop, Puducherry - 605 004.
3. The Public Information Officer under RTI
Deputy Transport Commissioner,
Transport Department, 100 Feet Road
Opp. Bus Stop, Puducherry - 605 004.
4. The Managing Director,
Puducherry Transport Corporation Ltd
Puducherry.
(R4 impleased as per order dated 18.04.2017
in WMP.10171/2017)

..... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus directing the respondents herein to provide with original files, details and proceedings regarding the visit of Thiru.P.Devaraj, I.F.S./ The Managing Director of Puducherry Road Transport Corporation to the country of South Africa and accepting the Foreign hospitality and to direct the first respondent to take disciplinary and penal proceedings against respondents 2 and 3 for giving wrong information to the Commissioner.

For Petitioner : Mr.G.Karthikeyan
For Respondents : Mr.J.Kumaran
Additional Govt.Pleader (Puducherry)
- for RR 2 and 3
Mr.A.R.Nixon - for R4

O R D E R

The relief sought for in this writ petition is for a direction to the respondents to provide with original files, details and proceedings regarding the visit of Thiru.P.Devaraj, I.F.S./ The Managing Director of Puducherry Road Transport Corporation to the country of South Africa and accepting the hospitality and to direct the first respondent to take disciplinary and penal proceedings against respondents 2 and 3 for giving wrong information to the Commissioner.

2. Learned counsel for the writ petitioner states that the information sought for by the writ petitioner is very much available with the third and fourth respondents. However, the information is not provided to the writ petitioner on account of certain personal motive and in order to suppress the information. Learned counsel for the petitioner further states that the respondents 3 and 4 are blaming each other for furnishing the information sought for by the petitioner in his application dated 25.07.2014. In this regard, the writ petitioner preferred an appeal under the provisions of the Right to Information Act before the first respondent, Chief Information Commissioner, who has passed an order directing the respondents 3 and 4 to provide the information. Learned counsel further submits that even the directions issued by the first respondent has not been complied with by the third and fourth respondents and therefore the petitioner has filed the present writ petition for proper relief.

3. The Public Information Officer is bound to provide the information sought for by the citizens by way of application under the provisions of the Right to Information Act. Admittedly the writ petitioner has also submitted an application seeking information under the Act. In view of the fact that the third and fourth respondents have not provided such information, the writ petitioner has preferred an appeal to the first respondent and the first respondent has passed an order directing the third and fourth respondents to furnish the information to the writ petitioner. The same has also not been complied with. Learned counsel for the second and third respondents made a submission

that the information sought for by the writ petitioner are available with the fourth respondent and therefore the fourth respondent alone is competent to furnish the information to the writ petitioner. Even in the counter affidavit filed by the second respondent, it is stated that the writ petitioner has to approach the Pondicherry Road Transport Corporation, who is the proper authority and not the transport department which has the information sought for by the writ petitioner.

4. This court is of an opinion that even in the prayer column, the writ petitioner has stated that the information sought for has to be provided in original files, details etc. with respect to the visit of the fourth respondent herein viz., Thiru.P.Devaraj, I.F.S./ The Managing Director of Puducherry Road Transport Corporation to the country of South Africa and accepting foreign hospitality from the country of South Africa and to direct the first respondent to initiate disciplinary and penal proceedings against the fourth respondent. This court is unable to understand as to how such information is not available with the transport department of the Pondicherry government. If an I.F.S. level officer had undertaken a travel to a foreign country and accepts the foreign hospitality, the Government must be having the details and particulars. Without the permission and knowledge of the Government, an I.F.S. level officer cannot travel abroad. Therefore, the very contention of the third respondent that such particulars are not available, is certainly not convincing.

5. At this juncture, the learned counsel appearing on behalf of the first and second respondents, made a submission that the xerox copies of the information sought for are available with the third respondent and all documents, which all are available, would be supplied to the writ petitioner. This court is of an opinion that clean copies of all the documents available with the third respondent must be furnished to the petitioner within a period of two weeks from the date of receipt of a copy of this order. The remaining information are to be furnished by the fourth respondent to the petitioner. At the outset, the respondents 3 and 4 are liable to furnish all the information and documents sought for by the writ petitioner, as per the provisions of the Right to Information Act. If any of the information / documents are not available, then the competent authorities must state that such documents are not available with them at that point of time, so that the writ petitioner would be in a position to initiate further action against such officials.

6. In this view of the matter, the respondents 2, 3 and 4 are directed to furnish the information sought for by the writ petitioner within a period of two weeks from the date of receipt of a copy of this order, and the information that are not available shall be stated in clear terms by way of a reply to the petitioner. With these directions, the writ petition is disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1. The Chief Information Commissioner
Central Information Commission
August Kranti Bhawan, Bhikaji Cama Place
New Delhi - 110 006.
2. The First Appellate Authority under RTI
The Transport Commissioner,
Transport Department, 100 Feet Road
Opposite Bus Stop, Puducherry - 605 004.
3. The Public Information Officer under RTI
Deputy Transport Commissioner,
Transport Department, 100 Feet Road
Opp. Bus Stop, Puducherry - 605 004.
4. The Managing Director,
Puducherry Transport Corporation Ltd
Puducherry.

+1cc to Mr.G.Karthikeyan, Advocate sr.no.57489
+1cc to Government Pleader(Puducherry) sr.no.57289

W.P.No.8424 of 2016

br(co)
nr 10/09/2018