



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 31.10.2018

C O R A M

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

W.P. (MD) No. 22183 of 2018
and
WMP (MD) No. 20105 of 2018

K. Muthukumar

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation,
Tirunelveli Division,
Tirunelveli.

2. The General Manager,
Tamil Nadu State Transport Corporation,
Tirunelveli Division,
Ranithottam, Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Certiorarified, to call for the documents pertaining to the impugned order passed by the 2nd respondent in Letter No. 17/A5/Ootha.A/tnstc/tvj/Nagar/17-127 dated 17.07.2017 and quash the same as illegal and may consequently direct the respondents to regularise the increment and other pay of the petitioner from February, 2017 onwards.

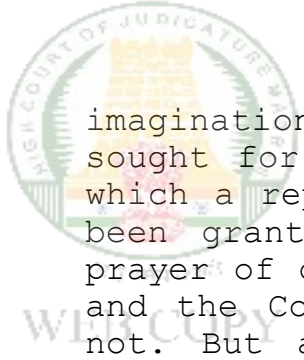
For Petitioner : Mr. K. P. Narayanakumar
For Respondents : Mr. K. Sathiya Singh

O R D E R

The Writ Petition has been filed praying for issuance of a Writ of Certiorarified, to call for the documents pertaining to the impugned order passed by the 2nd respondent in Letter No. 17/A5/Ootha.A/tnstc/tvj/Nagar/17-127 dated 17.07.2017 and quash the same as illegal and may consequently direct the respondents to regularise the increment and other pay of the petitioner from February, 2017 onwards.

2. I have heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondent.

3. It is very unfortunate that a Writ Petition has been filed challenging the communication issued by the Public Information Officer, under Rights to Information Act. Under any stretch of



imagination, it cannot be construed as an order. The petitioner has sought for certain details by communication, dated 20.05.2017, for which a reply has been given informing that the petitioner has not been granted wages. Nothing prevented the petitioner seeking a prayer of declaration that the action of the respondents is illegal and the Court would have consider whether the action is right or not. But at no stretch of imagination, the communication, dated 17.07.2017 even under the Rights to Information Act, can be construed as impugned order. If this kind of relief is granted, the employee like the petitioner will approach the authorities under Rights to Information Act, get a communication and thereafter challenge the said communication and that is not the purpose the Right to Information Act. If the petitioner has got any grievance, the right of reality is only by way of appeal provided under Right to Information Act and not by way of writ petition.

4. Admittedly, the order under challenge is only a communication under the Rights to Information Act. When this Court posed a question as to how this order can be challenged, the petitioner, after advancing arguments, requested passover stating that his senior will come and argue the matter. When this Court refused to grant passover, as the matter has been advanced and in the midsts of arguments, such a request cannot be granted. At that stage, the petitioner sought permission to withdraw the writ petition. This kind of attitude of the petitioner after addressing the arguments and contending that senior will be coming or that he will withdraw the matter, cannot be accepted. Hence, the writ petition is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Managing Director,
Tamil Nadu State Transport Corporation,
Tirunelveli Division, Tirunelveli.
2. The General Manager,
Tamil Nadu State Transport Corporation,
Tirunelveli Division,
Ranithottam, Nagercoil, Kanyakumari District.

+1cc to Mr.K.Sathiya Singh, Advocate, Sr.No.93816.

+1cc to Mr.K.P.Narayana Kumar, Advocate, Sr.No.94014.

W.P. (MD) No.22183 of 2018
31.10.2018