

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9615 OF 2018
WITH
WRIT PETITION NO. 9620 OF 2018
WITH
WRIT PETITION NO. 9621 OF 2018
WITH
WRIT PETITION NO. 12584 OF 2018

SIDDHARTH BIBHISHAN SONWANE
VERSUS
THE STATE INFORMATION COMMISSIONER AND OTHERS

Advocate for Petitioner : Ms. S.D. More.
AGP for Respondent No. 1 : Mr. S.R. Yadav.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 26.03.2019

PER COURT :

1. The petitioner in all these matters is aggrieved by the order dated 05.2.2018, by which, the State Information Commissioner, Bench at Nagpur. has recorded a finding that the petitioner was permitted to deposit the expenses of the documents vide an order dated 23.11.2016 passed by the Public Information Officer and receive the documents. After the said amount was paid, the petitioner was supplied the documents on 13.12.2016. The Appeal preferred by the petitioner was, therefore, rejected.

2. My attention is drawn to the typed copy of the application filed under the RTI Act dated 07.11.2015. What is stated under the

column of 'information required' is that the petitioner wants the acknowledgment receipt of the service of the charge sheet dated 13.11.2013, alleged to be served upon the petitioner and some documents considered by the Sub Divisional Officer in relation to the charge sheet that was prepared. It is informed that the petitioner has already been subjected to an enquiry and has been punished with stoppage of one increment. A Writ Petition No. 9782/2017, has been preferred by the petitioner for challenging the said punishment.

3. Needless to state, considering the law laid down by the Hon'ble Apex Court in the matter of State Bank of Patiala and others Vs. S.K. Sharma, [(1996) 3 SCC 364], if substantive rights of the petitioner are infringed in the domestic enquiry and tested on the touch stone of prejudice, if the defence of the petitioner is weakened, the petitioner would have an arguable case in the said proceedings. I do not find any reason to invoke the supervisory jurisdiction of this Court in relation to the impugned order, merely because a different view could possibly be taken. The first petition is therefore dismissed.

4. In the second Writ Petition, three documents were sought. Firstly, the explanation tendered by the petitioner on 09.03.2015, with reference to the charge sheet, is said to have been supplied. The

second document sought is the documentary record produced by the Management representative in the enquiry conducted against the petitioner.

5. I am of the view that the said record is bound to be available in the R&P of the enquiry if at all it is referred to by way of documentary evidence. If it is not referred to as documentary evidence, on the basis of which the enquiry is conducted, I do not find any reason to entertain this petition to that extent. In so far as the third document sought is concerned, it is an information as to how much time did the Divisional Enquiry Officer took to submit his report. I find this information to be frivolous and unconnected with the enquiry. Besides, it is visible from the R & P of enquiry that the date of closing the enquiry and the date appearing on the enquiry report would indicate the period taken by the enquiry Officer to submit his findings. This petition is therefore, dismissed and for causing wastage of time of the Court, the petitioner shall deposit an amount of Rs. 10,000/- in this Court within four weeks from today, failing which, the said amount shall be recovered from the salary of the petitioner by respondent No. 2/Company, to be deposited in this Court. The Registrar (Judicial) of this Court shall forward the copy of this order to respondent No. 2.

6. In so far as the third and the fourth petitions are concerned, I expressed a view that there is no merit in these petitions and the impugned orders may not call for any interference.

7. Learned advocate for the petitioner submits at this juncture, on instructions, that the petitioner desires to withdraw all these four petitions and prays that no costs may be imposed.

8. In view of the above, all these four petitions stands disposed off as withdrawn. There shall be no order as to costs.

(RAVINDRA V. GHUGE, J.)

S.P.C.