

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2019

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

W.P. 29576 of 2010

and

M.P. 1 of 2010

M.Ananthan

... Petitioner

Versus

1. Tamil Nadu State Information Commission,
rep. by its Commissioner,
No.378, Anna Salai,
Teynampet, Chennai-600 018.
 2. State of Tamil Nadu,
rep. by Secretary to Government
Co-operative Food and Consumer
Protection Department,
Fort St. George,
Chennai-600 009.
 3. The Chairman cum Managing
Director,
Tamil Nadu Civil Supplies Corporation,
(Appellate Authority under RTI Act),
No.12, Thambusamy Road,
Kilpauk, Chennai-600 010.
 4. The Public Information Officer,
Tamil Nadu Civil Supplies Corporation
Ltd., Head Office No.12,
Thambusamy Road,
Kilpauk, Chennai-600 010.
- ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, call for the records relating to the orders passed by the 1st respondent herein in case 6680/Enquiry/2010 dated 03.08.2010, quash the same, further direct the 3rd respondent herein to pay compensation to the petitioner as per the provision of Right to Information Act,

2005 for illegal claim of destruction of records.

For Petitioner : Mr.V.Babu

For Respondents : Ms.K.Swetha
for M/s.G.R.Associates

Mr.I.Sathish, Addl. Govt. Pleader
for R2 to R4

Mr.C.Munusamy for R5

O R D E R

The petitioner has filed this Writ Petition challenging the impugned order passed by the 1st respondent Tamil Nadu State Information Commission rejecting the petitioner's appeal.

2. According to the petitioner, he was working as operator in the 3rd respondent Corporation and his service was terminated with effect from 15.12.1984. Challenging the same, he has raised an industrial dispute in I.D.No. 827 of 1991 before the Principal Labour Court, Chennai. The said industrial dispute was allowed and the award was also passed directing the 3rd respondent to reinstate the petitioner with full backwages and all attendant benefits. Challenging the same, the 3rd respondent has filed a Writ Petition in W.P.No. 16768 of 1997, before this Court and the Writ Petition was allowed. Against which, Writ Appeal was filed in W.A.No.1393 of 2006 by the 3rd respondent and the same was also allowed by an order dated 04.02.2009 confirming the award passed by the Principal Labour Court, Chennai except modifying the backwages.

3. During the pendency of the Writ Appeal, the petitioner has made an application under Right to Information Act, vide application dated 27.01.2009, before the 4th respondent seeking to furnish copies and details of letter dated 11.07.1985 issued by the Tamil Nadu Civil Supplies Corporation, Tirunelveli Regional Office to the Head Office of the 3rd respondent Corporation. The said application has been rejected on the ground that, the documents are not available. Challenging the same, the petitioner has preferred an appeal before the 1st respondent and the 1st respondent has rejected the appeal stating that the documents sought by the petitioner has already been destroyed on 21.08.1985 and 16.09.1985 and the documents sought by him are not available. Hence, the information sought by the petitioner cannot be furnished to him. Challenging the said order, the present Writ Petition has been filed.

4. Mr.V.Babu, learned counsel appearing for the petitioner has submitted that the documents sought by the petitioner relates to the termination of petitioner from service. When the matter was pending before this Court, the 3rd respondent deliberately destroyed all the documents. Hence, he is entitled for compensation.

5. Ms.K.Swetha, learned counsel appearing for the 1st respondent submitted that the 1st respondent Commissioner has perused the records and rejected the appeal considering the fact that the information furnished by the 3rd respondent showing that all those letters sought by the petitioner was already been destroyed. If at all, the petitioner has any grievance over the destruction of documents, he has to approach the concerned authority seeking for appropriate remedy and the 1st respondent Commissioner has no power to consider the same.

6. I have considered the submissions made by the learned counsel appearing for the petitioner as well as the learned counsel appearing for the 1st respondent and perused the records carefully.

7. The issue involved in the present Writ Petition relating to furnishing of certain document. According to 1st respondent, it has been destroyed long ago. Hence, the information could not be furnished. The 1st respondent Commissioner has rejected the appeal filed by the petitioner on that ground. As the document has been destroyed, there is no occasion for furnishing the document to the petitioner. Therefore, I do not find any illegality or infirmity in the order passed by the 1st respondent. If at all, the petitioner is having any grievance over the destruction of documents, he can very well work out his remedy in the manner known to law. Accordingly, the present Writ Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

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Sub Assistant Registrar

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To

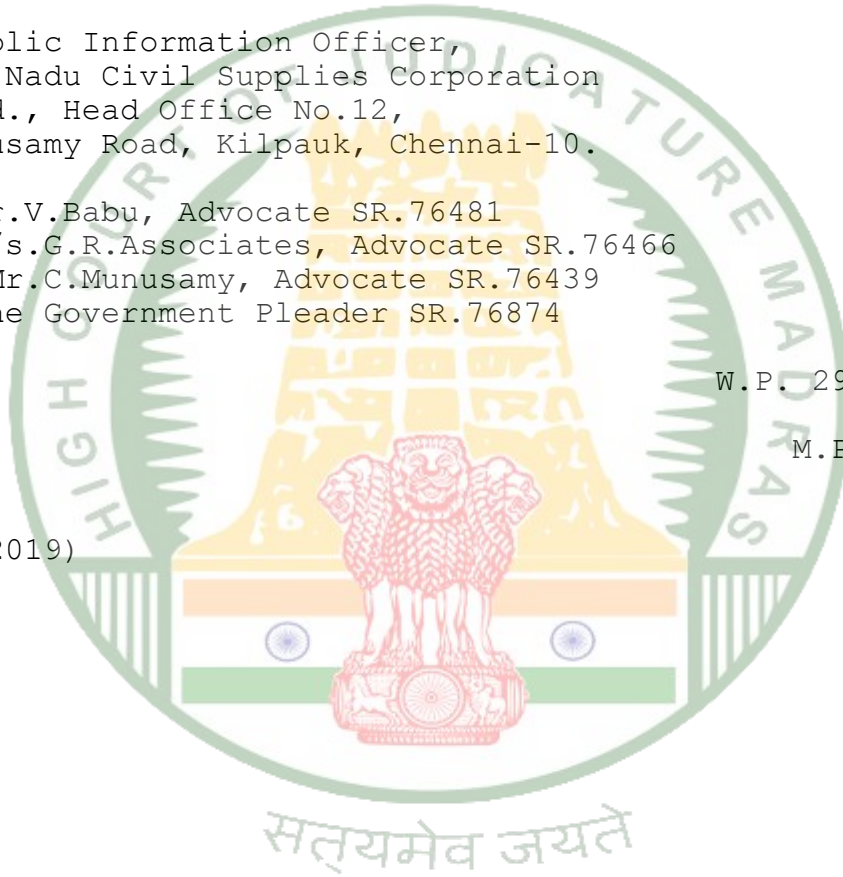
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+1cc to Mr.V.Babu, Advocate SR.76481
+1cc to M/s.G.R.Associates, Advocate SR.76466
+1cc to Mr.C.Munusamy, Advocate SR.76439
+1cc to the Government Pleader SR.76874

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BS (CO)
CB(16/10/2019)



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