

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P. No.30296 of 2018

S.Rajendra Pandian

.. Petitioner

Vs.

1. The State Information Commissioner,
No.2, Thiyagaraya Salai,
(Near Alayamman Temple),
Eldams Road, Teynampet,
Chennai 600 018.
 2. The Public Information Officer,
Office of the under Secretary to Government
Social Welfare and Nutritious Meal
Programme Department,
Fort St.George, Chennai 600 009.
 3. The Appellate Authority,
Office of the Deputy Secretary to Government,
Social Welfare and Nutritious
Meal Programme Department,
Fort St.George, Chennai 600 009.
 4. The Public Information Officer,
Office of the Deputy Director (Admn)
Department of Social Defence,
No.300, Purasaiwalkam High Rad,
Chennai 600 010
- .. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records connected with the order issued in SA6594/C/2017/RE dated 02.03.2018 passed by the first respondent and quash the same and consequently direct the respondents to furnish the details which was sought by the petitioner on 15.05.2017 and as per the letter issued by the first respondent issued in Government Letter issued in Letter No.7418/SaNa8(2)/2017-1 dated 29.05.2017.

For Petitioner : Mr.S.Ilamvaludhi
For Respondent-1 : Mr.Niranjan Rajagopal
For Respondents 2 to 4 : Mr.V.Shanmugasundar
Special Government Pleader

ORDER

The Writ Petition has been filed seeking to call for the records relating to the impugned order passed by the first respondent in SA6594/C/2017/RE dated 02.03.2018, to quash the same and consequently to direct the respondents to furnish the details which were sought for by the petitioner on 15.05.2017 and as per the letter issued by the first respondent in Letter No.7418/SaNa8(2)/2017-1 dated 29.05.2017.

2. The petitioner, having served more than 30 years in the Directorate of Social Defence, retired from service as Superintendent in the year 2014. After retirement, he has been acting as the President of the retired employees Association. He has sought for an information from the third respondent regarding file bearing No.3370/A1/2011 dated 05.07.2011. The information sought for by him is with respect to one P.Selvaraj, who was employed as a Superintendent in the said Department under the Government. The allegation of the petitioner is that the said Selvaraj enquired into by an Enquiry Officer and the charges were not proved against him and he was discharged from all the allegations.

3. On 29.05.2017, the second respondent herein had written a letter in Letter No.7418/Sa.No.8(2)/2017-1 to the fourth respondent to send the required particulars to the petitioner. Having received the said letter, a reply was sent by the fourth respondent herein by his Memo No.7430/A1/2017 dated 05.07.2017 rejecting the claim of the petitioner thereby refused to furnish the information. Aggrieved by the same, the petitioner has preferred an appeal on 07.07.2017 before the Appellate authority, the third respondent herein. The petitioner has also preferred a review to the State Information Commissioner, the first respondent herein on 24.08.2017. By order dated 02.03.2018, the first respondent had rejected the claim of the petitioner.

4. The reason assigned by the first respondent herein was that the information sought for by the petitioner relates to an individual and the same cannot be disclosed to anyone else, placing the reliance on the decision of the Hon'ble Supreme Court in the case of Girish Ramachandra Deshpande -vs- CIC and others reported in 2013 (1) SCC 212.

5. The issue in this Writ Petition relates to a person presently employed with the Government having gained entry in a fraudulent manner. The file now sought for by the petitioner may

reveal that the person who got his employment was an inmate of the observation home. The enquiry Officer had given a clear-cut finding that the said person did not serve in the observation home giving protection to the individual. It is further stated that the said person had produced a bogus certificate and other information given by him was also false. Though he had been appointed as Watchman, later he was promoted to the level of Office Manager. The Public Information Officer had rejected the claim of the petitioner, as the same is related to the personal details of an individual.

6. The file sought for by the petitioner is to bring the truth and it is not for his personal interest. The sole reason is that a fraudulent person should not be allowed to enter into service without attending any test or other formalities by way of cheating the Government.

7. Section 8(1) of the Right to Information Act provides for exemption from disclosure of information. Section 8(e) of the Act relates to information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information. In the present case, though there is fiduciary relationship, the petitioner seeks such information for the sole reason that the person, who is now working in Government, in a fraudulent manner, has entered into service and has ruined the opportunity of a genuine person to join in that service. This shows that the petitioner seeks such information in the interest of large public.

8. Now, the petitioner has sought for the details with respect to the file relating to the said P.Selvaraj. He has not asked for any personal details as required under Girish Ramachandra Deshpande's case (cited supra). The information sought for is not for personal information, but it is relating to his service and service related enquiry. Therefore, it will not come within the purview of personal information. Hence, the petitioner is entitled for the information sought for.

9. In the light of the above discussion, the Writ Petition is allowed. The impugned order is set aside. The first respondent herein is directed to furnish the details as required by the petitioner based on his petition dated 15.05.2017. No costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

srn

To

1. The State Information Commissioner,
No.2, Thiyagaraya Salai,
(Near Alayamman Temple),
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2. The Public Information Officer,
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Department of Social Defence,
No.300, Purasaiwalkam High Road, Chennai 600 010

+1cc to Mr. G.R.Associates, Advocate, S.R.No. 2823
+1cc to Mr. S.Ilamvaludhi, Advocate, S.R.No. 3013

W.P. Nos.30296 of 2018

SSV(CO)
GN(12/02/2019)

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