

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.24469 OF 2019

O R D E R

On the ground that one Mr. Ankam Premchand, the then Assistant General Manager (Premises and Estate Department) and Mr. Hanif, Nodal Officer (RTI Cell) and CPIO, failed to furnish complete information sought for by the complainant under the Right to Information Act, 2005 (for short 'the Act'), the 1st respondent – Commission vide order dated 01.10.2019 in Complaint No.CIC/SBIND/C/2017/140254, directed issuance of the show cause notice to the above said individuals to explain why action under Section 20(1) of the Act, shall not be initiated against them. Aggrieved by the same, the State Bank of India, represented by the Assistant General Manager (Premises and Estate Department) – cum – Central Public Information Officer, (CPIO) Local Head Office, Koti, Hyderabad, filed the present writ petition is filed.

Learned counsel for the petitioner submits that the 1st respondent without examining the scope and ambit of Section 8(1)(g) of the Act, passed impugned order for issuance of show cause notice contemplating to impose penalty under Section 20(1) of the Act, and the same is bad in law and hence liable to be set aside.

On the other hand, Sri N.Rajeshwara Rao, learned Assistant Solicitor General, appearing for the 1st respondent submits that the impugned order is only a show cause notice, and as on today no orders have been passed and that generally this court will not entertain writ petition at the stage of show cause notice. Therefore, he seeks to dismiss the writ petition.

It is settled principle of law that this court ordinarily will not entertain the writ petition against the show cause notice, unless it is shown that the authority who issued the same, has no jurisdiction.

In the present case, it is not the case of the petitioner that the 1st respondent has no jurisdiction to cause issuance of show cause notice, and the only ground that is sought to be agitated is that the 1st respondent while directing issuance of show cause notice has not considered the scope of Section 8(1)(g) of the Act. This aspect pertains to the merits of the case, which will come up for consideration before the competent authority after filing of the explanation by the delinquent, and this court under the writ jurisdiction cannot delve into the disputed questions, and record a finding on the issue.

Further it is to be seen that the 1st respondent specifically found that the above said individuals by name, who were holding the posts at the relevant time, failed to furnish complete information as sought for by the complainant under the Act. It is not known how the Bank could espouse the cause of the said individuals by invoking writ jurisdiction.

Having regard to the facts and circumstances of the case, this court is not inclined to entertain the writ petition and the same is disposed of leaving it open to the individuals named in the show cause notice to submit explanation and it is for the competent authority to consider the same in accordance with law.

Interlocutory applications pending, if any, shall stand closed. No order as to costs.

A.RAJASHEKER REDDY,J

DATE:11—11—2019
AVS