

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No.448 of 2020

Pushplata Deshmukh W/o Shri Madhu Kumar Deshmukh Aged About 37 Years Resident of Quarter No. 32/A, Avenue 'C', Sector- 2, Bhilai, District-Durg Chhattisgarh.

---Petitioner(s)

Versus

- 1.** State of Chhattisgarh Through the Secretary, Chhattisgarh Public Service Commission, Shankar Nagar, Raipur Chhattisgarh.
- 2.** Public Information Officer, Chhattisgarh Public Service Commission, Shankar Nagar, Raipur Chhattisgarh.
- 3.** Appellate Authority, Public Service Commission, Shankar Nagar, Raipur Chhattisgarh.

---Respondents

For Petitioner	:	Ms. Shivani Dubey, Advocate.
For State	:	Shri Anshuman Shrivastava, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

31.01.2020

- 1.** The grievance raised by the petitioner in the present writ petition is rejection of her application under Right to Information Act (in short, RTI) by the respondent No.2.
- 2.** The counsel for the petitioner submits that the petitioner has already preferred an appeal before the first appellate authority in the department and the appeal is still pending, though she has been orally denied of being provided with the information on the same ground that has been mentioned by the Public Information Officer.
- 3.** Since the appeal has been duly filed by the petitioner before the first appellate authority challenging the order dated 25.10.2019, Annexure P/1, passed by the Public Information Officer, the respondent No.2, and the appeal still having not been decided finally, this court is of the opinion that the writ petition itself can be disposed of directing the respondent No.3 to

ensure that the appeal which the petitioner has filed, if the same is pending consideration before the respondent No.3, the same be decided at the earliest preferably within a period of 30 days from the date of receipt of copy of this order.

4. There is no system of orally rejecting an appeal duly filed by the appellant. Once when the appeal is duly filed, it is the requirement of law that the appellate authority has to decide the same in accordance with law by passing a speaking order. Accordingly, the respondent No.3 is directed to take necessary steps in deciding the appeal of the appellant within the stipulated period as provided above.
5. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder