

W.P.No.17677 of 2010

S.VAIDYANATHAN,J.,

The matter is listed today under the caption "For Being Mentioned" at the request of the petitioner. There is no clarification required except mentioning Section 8 of the Act, instead of Section 8(1)(d) of the Act in Paragraph No.10 of the order dated 07.09.2020.

2. At this juncture, it is represented by Mr.Karthik Rajan, learned Counsel that he is the newly appointed counsel for TNPSC and the TNPSC is going to file a review petition for review of the order dated 07.09.2020, as certain material facts were not brought to the attention of this Court and this Court passed the order based on the materials available on record.

3. Registry is directed to substitute Paragraph No.10 and the last paragraph of the order dated 07.09.2020, to read as under:

"10. Normally, Courts, which come across several cases, reject the request of the claimant in respect of disclosure of documents, on the ground that Writ Petition is pending or on some other reasons. Mere pendency of the matter is not a bar to furnish details even if it pertains to the very same case pending before the Court. Unless or otherwise there is an interim order, then the information need not be given for the present till the disposal of those matters. Now-a-days, the Officials are used to adopt a tactic answer in mechanical manner that the information sought for is exempted in the light of anyone of the provisions of Section 8 of the Act, without actually ascertaining as to whether the information

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sought falls within the ambit of the said provision. Such Officers must be taught a lesson and in my view, they are unfit to hold the post of Public Information Officer or any other post in connection with the discharge of duties under RTI Act and they should be shown the doors, so that it will be a lesson for other Officers to act in accordance with the terms of the Act, failing which they may also face the similar or more consequences.

List this matter in the month of January, 2021, instead of 14.10.2020 for reporting compliance, as it is represented by the learned counsel for the petitioner / TNPSC that Review Petition is going to be filed. The Government is directed to circular this order to all its Departments, Public Sector Undertakings, Corporation, etc., so that the Authorities, more particularly under RTI Act, will come to know of the legal consequences of non-furnishing of the details, which the affected parties / General Public seek for. Consequently, connected miscellaneous petition is closed."

01.10.2020

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Note: Registry is directed to carry out necessary corrections in the order and issue a fresh copy of the order to the respective parties forthwith.

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