



Assistant Public Information Officer in order to give reply to the Right to Information Act petition to the public information officer / Generation Circle / Tiruvelveli through Public Information Officer's letter dated 22.05.2009, the petitioner herein has responded and replied thereon. The Right to Information Act applicant Thiru.S.Vairamani also misused the information received and facilitated to erase the evidences of certain scams thereon by the miscreants.

3.The petitioner was Officer attached to the Public Information Officer at the relevant point of time. The designated Public Information Officer has sent information as required by the Right to Information Act applicant-Mr.S.Vairamani. However, even before that, the petitioner herein, namely K.Dhinakaran, who was working as Assistant Executive Engineer, has furnished information privately to the Right to Information applicant.

4.The Official RTI information was willfully disclosed by the petitioner herein in violation of the rules laid down in the Right to Information Act 2005. On receiving the information through the petitioner herein, Mr.Vairamani, (then) Assistant Engineer / Mechanical has misused all the official informations and lodged so many false complaints and petitions which facilitates the miscreants for destroying vital evidences vigilantly for which so many scandals thereon could not be substantiated, on the part of management.

5.Hence, for the un-authorized act of the petitioner, who is not competent to furnish information under the Right to Information Act, necessary explanation was called for by the third respondent through memo dated 06.07.2009 as to how the copy of the official confidential communication in favour of public information officer letter were sent to Right to Information Act applicant Mr.S.Vairamani, Assistant Engineer (Mechanical). The petitioner herein replied to the third respondent through his reply dated 20.07.2009 that duly accepting all his misconducts committed by him. As the reply was not convincing, the third respondent had initiated Disciplinary Action under Section 8(a) of TNEB D&A Regulation through his memo dated 31.07.2009 and after enquiry, punishment was imposed. The petitioner had preferred an appeal against the punishment order to the second respondent. The second respondent has considered the appeal petition in detail and rejected his appeal.

6.The Chairman has also considered the merch petition dated 01.04.2010. Pending writ petition, the Chairman, Tamil Nadu Electricity Board has carefully examined the mercy petition and modified the awarded punishment into "Stoppage of one increment for a period of three months without cumulative effect and



memorial accepted to that extent" dated 07.05.2011 and the petitioner has also acknowledged the memorial modified order through his letter dated 25.07.2011.

7. Now it appears that pending writ petition, the first respondent has reduced the punishment from stoppage of increment of one increment for a period of three months without cumulative effect. Admittedly, as per Right to Information Act, 2005 in Ruling 7(i), the information of any form sought for by the Right to Information Act petitioner shall only be provided by the Public Information Officer of the respective office. Accordingly, either Assistant Public Information Officer or any other official involved should not provide any reply or copy of information directly to the applicant. Public Information Officer alone is eligible and competent for making reply to the applicant. While that being so, the act of the petitioner herein in furnishing information to the RTI applicant, amounts to misconduct.

8. The submission of the petitioner's counsel that since the name of the petitioner herein is mentioned by the applicant in Right to Information application, he has to furnish the information privately without the approval of the Public Information Officer, cannot be accepted. Further more, the act of the misconduct alleged against the petitioner has been proved and the first respondent has modified the punishment as stoppage of one increment for a period of three months without cumulative effect, is found to be in consonance with the delinquency and misconduct of the petitioner and hence, in view of the order passed by the first respondent pending writ petition as to reduction of punishment, I find that the quantum of punishment is not excessive.

9. In this view of the matter, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

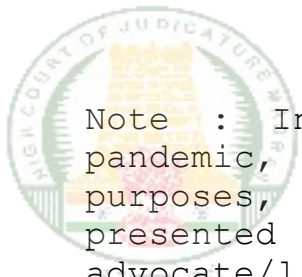
Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

Gns



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

To

1.The Chairman,
Tamil Nadu Electricity Board,
144, Anna Salai,
Chennai-600 002.

2.The Chief Engineer (Hydro),
Tamil Nadu Electricity Board,
144, Anna Salai,
Chennai-600 002.

3.The Superintending Engineer,
Generation Circle,
Tamil Nadu Electricity Board,
Maharaja Nagar,
Tirunelveli-11.

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-16005[F] dated
04/09/2020)

Order Made in
W.P. (MD)No.13248 of 2010
08.09.2020

KM (10.09.2020) 4P 5C