

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 4382 of 2019

ORDER :

Grievance of the petitioner is that the 3rd respondent – The Second Appellate Authority, T.S. Information Commissioner had unreasonably rejected his Appeal, *vide* order dated 05.02.2019. He seeks a direction to the respondents to furnish a copy of the *ex-parte* enquiry report dated 23.05.1989 along with the enclosures.

The petitioner was the retired employee of the erstwhile A.P. TRANSCO. Departmental proceedings were initiated against him for certain omissions and commissions. After completion of enquiry, the petitioner was meted with punishments. It is his case that in spite of his repeated requests, he was not furnished the copy of the Enquiry Report dated 23.05.1989 by the Enquiry Officer. Thereafter, the petitioner made an Application to provide a copy of the report. In response thereto, it was informed that “the information sought by the applicant Sri C. Suryanarayana, ADE/Retd., Hyderabad cannot be furnished in view of his repeated applications under RTI Act without public interest and as per the Decision dated 25.02.2016 taken by the CIC vide CIC/SA/A/2015/0015/001849 in Jagdish Kumar Koli v. Department of School Education & Literacy, MHRD, GOI”. Aggrieved by the same, the petitioner filed First Appeal and Second Appeal which resulted in dismissal. Hence, this Writ Petition.

Considering the nature of relief which the petitioner seeks, this Court directed the learned Standing Counsel for TRANSCO to produce the original record relating to the enquiry proceedings.

Accordingly, the record was produced, at page 119 of which it is noted as:

“Oral enquiry conducted by the CE (TR) and EE on 23.05.1989. Sri C. Surayanaraya not attended.

Sd/-

Concerned Chief Engineer TRANSCO,
Enquiry Officer”

The learned counsel for the petitioner was also shown the original file.

The original record discloses that except noting that the petitioner was not present, no proceedings have taken place. It is unfortunate that the respondents, at the very first instance, without providing what has been asked by the petitioner, had dragged him to this stage by giving irrelevant answers, particularly stating that the matter does not involve public interest.

Be that as it may, since there is no information in the *ex parte* order dated 23.05.1989 to be furnished to the petitioner, except the quoted portion above, no direction need be given to the respondents.

The Writ Petition is accordingly, closed. No costs.

Consequently, the Miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J

24th February 2020

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