



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.25836 of 2021

and

W.M.P.No.27316 & 21317 of 2021

Gopinath

.. Petitioner

Vs

1. The Central Public Information Commissioner,
Room No.311, III Floor,
CIC Bhawan,
Baba Gangnath Marg,
Munirka,
New Delhi-110 067.
2. The First Appellate Authority,
Bhaba Atomic Research Centre (BARCF),
Kalpakkam,
Chengalpattu District.
3. Central Public Information Officer,
Bhaba Atomic Research Centre (BARCF),
Kalpakkam,
Chengalpattu.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order in Second Appeal No. CIC/ BARKP/ A/ 2020/ 677771/ CIC/ BARKP/ A/2020/679891, CIC/ BARKP/ A/ 2020/ 695737, CIC/ BARKP/A/ 2020/ 680749, CIC/ BARKP/ A/ 2020/ 681067, CIC/ BARKP/ A/ 2020/ 686161, CIC/ BARKP/ A/ 2020/ 677592, CIC/ BARKP/ A/ 2020/ 688860, CIC/ BARKP/ A/ 2020/ 6811860 dated 03.06.2021 passed by the 1st respondent consequently direct the 3rd respondent to furnish the information in the petitioner's application.

For petitioner : Mr. A. Venkatesan

For R-1 : No Appearance

For RR-2 & 3 : Mr. R. Rajesh Vivekananthan,
Assistant Solicitor General



ORDER

The present petition has been filed seeking quashment of the impugned order dated 03.06.2021 passed by the 1st respondent herein and a direction to the 1st respondent to furnish the information sought for by the petitioner.

2. Mr. R. Rajesh Vivekananthan, learned Assistant Solicitor General takes notice for respondents 1 & 2. In view of the consent expressed by the Learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that on coming to know about the tender work allotted to the 3rd respondent, which was beyond the scope of the law, had sought for information under the Right to Information Act through various applications on various occasions with regard to details of the tender, however, the same were not considered by the respondents. Aggrieved by the same, the petitioner preferred appeals before the 1st respondents herein, in which the 1st respondent had passed a common impugned order dated 03.06.2021. However, not satisfied with the said order, this Writ Petition has been filed seeking quashment of the same.

4. Learned counsel for the petitioner submits that in the impugned order passed by the 1st respondent, the concerned Authority was directed to permit the petitioner to inspect all the documents related to the information sought for by the petitioner and a final report to that effect was directed to be placed before the Appellate authority within a particular time frame. Though the petitioner was not able to comply with the said order, the petitioner is ready to comply with the order passed by the 1st respondent within the time frame fixed by this Court.

5. Learned Asst. Solicitor General for Respondents 2 & 3 submits that though the 1st respondent had issued a direction to AO-III permitting the petitioner to view the relevant records pertaining to the information sought for, the petitioner without complying the same, had filed this Writ Petition seeking quashment of the order passed by the 1st respondent is not sustainable. Hence, this Writ Petition is liable to be dismissed.

6. A careful perusal of the materials available on record reveals that pursuant to the appeals preferred by the petitioner herein, a common order has been passed by the 1st respondent granting permission to the petitioner to view the relevant documents pertaining to the information sought for. However, without complying the said order, the petitioner has hurriedly approached this Court by way of Writ Petition which cannot be entertained.



7. In view of the same, the prayer sought for in this petition cannot be acceded to and this Writ Petition deserves to be dismissed as the period under stipulation falls within the pandemic period, and also taking into consideration, the plea of the learned counsel for the petitioner, the petitioner is directed to approach the competent Authority within a period of two weeks from the date of receipt of a copy of this Order and on such appearance, the authority shall permit the petitioner to peruse the relevant records as directed by the 1st respondent.

8. This Writ Petition is disposed of with the aforesaid direction. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

NHS

To

1. The Central Public Information Commissioner,
Room No.311, III Floor,
CIC Bhawan,
Baba Gangnath Marg,
Munirka,
New Delhi-110 067.
2. The First Appellate Authority,
Bhaba Atomic Research Centre (BARCF),
Kalpakkam,
Chengalpattu District.
3. The Central Public Information Officer,
Bhaba Atomic Research Centre (BARCF),
Kalpakkam,
Chengalpattu.

+1cc to Mr. A. Venkatesan, Advocate, S.R.No.64485

+1cc to Mr. R. Rajesh Vivekananthan, Advocate, S.R.No.64234

W.P.NO.25836 of 2021

PL(CO)
CT 08/02/2022