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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2022

CORAM:

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

WRIT PETITION NO.12052 OF 2010
AND M.P.NOS.1 OF 2010 AND 1 OF 2015

The Chief Secretary to Government
Government of Tamil Nadu
Secretariat
Chennai-600 009

..Petitioner

Vs

A.Sethu

..Respondent

Prayer :

Petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorari, to call for the records of the order dated 24.11.2009 made in Case No.16890/Enquiry/2009 passed by the State Chief Information Commissioner, Tamil Nadu Information Commission, Chennai-18 and quash the same.

For Petitioner : Mr.M.Rajendiran, Addl Govt. Pleader

For Respondent : No appearance

ORDER

This writ petition is filed praying to quash the order dated 24.11.2009 made in Case No.16890/Enquiry/2009 passed by the State Chief Information Commissioner, Tamil Nadu Information Commission, Chennai-18.

2. Heard the submissions.

3. The issue herein is that the respondent herein sent a letter on 28.03.2009 addressed to the Public Information Officer, Public Department, Secretariat, Chennai-9 raising 46 queries pertaining to various public authorities. On receipt of the same, proper reply was sent to the respondent on 22.05.2009 in which 7 queries out of 46 queries were answered. Respondent



filed an appeal on 22.06.2009. Without waiting for any reply from the appellate authority, the respondent straightaway approached the Tamil Nadu Information Commission alleging information sought for by him was not furnished.

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4. The Tamil Nadu Information Commission pointed out that the Personnel and Administrative Reforms Department has received the RTI application from the Public Department on transfer and due reply will be given and that queries relating to other Departments of Secretariat, the respondent was informed, that he may address to those Departments concerned for getting information. The Tamil Nadu Information Commission, by its impugned order dated 24.11.2009 directed to place the matter before the Chief Secretary for appointing specific persons to be appointed as Public Information Officers.

5. From the materials placed before this court, it is noted that the Government has designated one post as Assistant Public Information Officer to provide the information sought for under the Right to Information Act and above him, an appellate authority is designated as Public Information Officer. Against the information given by the Public Information Officer, appeal lies to the Information Commission. This procedure is followed throughout Tamil Nadu. While the system prevails as per the provisions of Right to Information Act, the Information Commission has given direction to make a specific person responsible for supplying of information and also other directions. Further, the show cause notice issued under Section 19(8)(a)(ii) is also not sustainable as the system is already in place in conformity with the provisions of Right to Information Act, 1984.

6. Considering the facts and circumstances of the case, the impugned order passed by the Information Commission is set aside. Accordingly, the writ petition is allowed. No costs. Consequently, connected MPs are closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

nvsri



To

The Chief Secretary to Government
Government of Tamil Nadu
Secretariat
Chennai-600 009

W.P.12052 of 2010

PMK (CO)
PM/26/04/2022