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WP.No.37543 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

WP.No.37543 of 2016

G.Kumaraj

...petitioner

Vs.

1. The Deputy General Manager (O),
Bharat Sanchar Nigam Limited,
O/o. the Chief General Manager,
Telecom Stores,
3A, Chowringhee Place,
Kolkata - 700 013.
2. The Central Information Commission,
Rep. by its Deputy Registrar / Designated Officer,
Club Building, Opp. Ber Saral Market,
Old JNU Campus, New Delhi 110 067.
3. The Assistant Central Public Information Officer/
Assistant General Manager (A),
Bharat Sanchar Nigam Limited,
O/o. the Chief General Manager
Telecom Stores, No.3A, Chowringhee Place,
Kolkata 700 013.

...respondents

Prayer:- This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the 2nd respondent to issue orders to respondents 1 and 3 to furnish the correct information to the petitioner as requested by petitioner's application dated 10.10.2013



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to the third respondent under RTI Act and as directed by the 2nd respondent in his order in File No.CIC/VS/A/2014/001651/BS/10553, dated 10.06.2016 within a time frame.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.M.Karthikeyan, for R2

ORDER

This Writ Petition is filed for issuance of a Writ of Mandamus, directing the 2nd respondent to issue orders to respondents 1 and 3 to furnish correct information to the petitioner as requested by his application dated 10.10.2013 to the third respondent under RTI Act.

2. The petitioner is an employee of Bharat Sanchar Nigam Limited (BSNL) and he was retired as an Assistant General Manager. It appears that certain departmental proceedings were initiated against the petitioner and therefore to ensure his legal rights, the petitioner has filed an application under the Right to Information Act seeking certain information from the Assistant Public Information Officer/third respondent. In the said application, he wanted some clarification, which reads as follows:



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"Please clarify the certificate signed by the circle AO in the Hall II Stt. by accepting the value of stores received to his circle from the other circles, only after the physical receipt of the stores to the circle or the circle AO will accept the value without the physical receipt of the stores."

3. Subsequently, he made a reminder to the third respondent seeking clarification regarding the certificate issued by A.O. in Hall II Statement. The third respondent by a communication dated 23.11.2013 gave a reply, which reads as follows:

"With reference to your above letter, it is intimated that the certification and operation to Hall-II Statement, the procedure is followed as per Rule-35 and Rule-22 of FHB Vol-III Par-II"

4. After the order passed by the third respondent, the petitioner again approached the second respondent and sought for a direction against the third respondent to clarify the point on which he sought for clarification. Stating that the second respondent has not taken any action, the above Writ Petition is filed by the petitioner.



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5. This Court is unable to find any merits in this Writ Petition on two grounds. First of all, the clarification sought for by the petitioner was not refused, but a specific reply was given to refer to the Rules suggesting that the relevant rule would clarify the position. Not being satisfied with the reply, the petitioner made further representations to the second and the first respondents.

6. It is admitted by the counsel for the petitioner before this Court that the petitioner filed a second appeal as against the order of the second respondent and the same was disposed of by a direction to the second respondent to furnish the information. When the petitioner has already availed the remedy by filing a second appeal and obtained orders, this Court is of the view that he cannot pursue this Writ Petition challenging the order passed by the second respondent. Therefore, on merits as well as on the ground that the petitioner has already availed the alternative remedy and got order in his favour, the Writ Petition is liable to be dismissed. Accordingly, this Writ Petition is dismissed. No costs.

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Index : Yes/No



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