

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.09.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.11666 of 2013

and

M.P(MD)No.1 of 2013

R.S.Shanthi Mayee

... Petitioner

Vs.

1.Tamil Nadu Information Commission
Represented by its Assistant Registrar,
No.2, Thiyagaraya Salai,
(Near Aalayamman Koil Street),
Tenampet,
Chennai-600 018.

2.Vivekanandhan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order dated 25.04.2013 vide வழக்கு எண்.38772/விசாரணை/ D/2012 passed by the first respondent and quash the same .

For Petitioner : Mr.S.Anwar Sameem

For R1 : Mr.K.K.Senthil

For R2 : No Appearance

ORDER

The present writ petition has been filed challenging an order passed by the first respondent herein, imposing penalty under Section 20 of the Right to Information Act on the ground that the petitioner has neither supplied the information sought for nor appeared before the first respondent on 25.04.2013.

2. According to the petitioner, the first respondent has issued summons to the petitioner directing her to appear on 19.04.2013. On 19.04.2013, the petitioner has appeared and it was adjourned to 25.04.2013. The petitioner had sent a representation to the first respondent on 22.04.2013 informing the first respondent that 25.04.2013 being a local holiday in Madurai due to Kallazhagar festival, she will not be in a position to attend the enquiry. However, without considering the said representation of the petitioner, the present impugned order has been

passed on 25.04.2013. Under the impugned order, the first respondent has imposed a penalty of Rs.25,000/- (Rupees Twenty Five Thousand only) and also directed the Corporation Commissioner to initiate appropriate disciplinary proceedings as against the petitioner. The said order is under challenge in the present writ petition.

3. According to the petitioner, the enquiry was to be held on 25.04.2013, which was a local holiday for the writ petitioner and the petitioner being an Assistant Commissioner (Personnel), she was required to be present on the date of Kallazhagar festival at Madurai. Hence, she could not attend the enquiry. She has also informed about her absence on the said date and she has also sent a request to adjourn the enquiry to a different date. However, without considering the said request of the petitioner, the present impugned order has been passed.

4. A perusal of the typedset of papers will clearly indicate that absence of the petitioner on 25.04.2013 is due to her other official duties, namely Kallazhagar festival at Madurai. Hence, her absence cannot be found fault with by the first respondent/Commission. The order imposing penalty and direction to the Corporation Commissioner to initiate action

as against the writ petitioner herein are set aside.

5. Accordingly, this Writ Petition is allowed to the extend as stated above. No costs. Consequently, connected Miscellaneous Petition is closed.

09.09.2022

Index : Yes / No
Internet : Yes / No
gbg

To

The Assistant Registrar,
Tamil Nadu Information Commission
No.2, Thiyagaraya Salai,
(Near Aalayamman Koil Street),
Tenampet,
Chennai-600 018.

W.P(MD)No.11666 of 2013

R.VIJAYAKUMAR ,J.

gbg

Order made in
W.P(MD)No.11666 of 2013

Dated:
09.09.2022