



W.P.(MD).No.22037 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.22037 of 2015

M.Ramasubbu

... Petitioner

-VS-

1. Tamil Nadu Information Commissioner,
No.2, Thiagaraya Salai (Near Allayamman Kovil)
Teynampettai, Eldams Road Junction,
Chennai – 500 018.

2. The Public Information Officer,
Treasuries and Accounts Department,
No.1, Jennis Road,
Panagal Building,
Saidapet, Chennai – 15.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned order passed by the first respondent dated 28.05.2014 in Case No.39370/F/2013 and quash the same and directing the respondents to furnish the information and consequently to pay cost.



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For Petitioner : Mr.R.Saravanan
For R-1 : Mr.K.K.Senthil
Government Advocate
For R-2 : Mr.B.Saravanan
Additional Government Pleader

ORDER

The present Writ Petition has been filed challenging an order passed by the State Information Commissioner, on 28.05.2014, wherein the State Information Commissioner has accepted the information submitted by the second respondent herein with regard to the queries No.2 and 3 raised by the writ petitioner and directed the second respondent to furnish information with regard to the first query.

2. The petitioner herein has contended that the information relating to queries No. 2 and 3 have not been properly furnished by the Public Information Officer and hence the first respondent Commissioner was not correct in disposing of his Second Appeal by confirming the orders of the Public Information Officer.



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3. I have Perused the records. The query No.2 and 3 do not relate to any information but the petitioner has sought for the opinion of the Public Information Officer. Hence, the Information Officer has rightly said that the issue does not fall under the definition of information as contemplated under the Right to Information Act.

4. Hence, I do not find any illegality and infirmity in the order passed by the first respondent Commissioner in accepting the orders passed by the Public Information Officer. In the same impugned order, the first respondent Commissioner has directed the second respondent Information Officer to furnish information relating to the first query. In the first query the petitioner has sought for a Xerox copy of his Service Register in which punishment imposed upon him would have been recorded. This information has not been furnished to the writ petitioner even as of now.

5. Since the order passed by the State Information Commissioner strictly in consonance of the Right to Information Act, this Court, cannot interfere with the said order.



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6. Hence, this Writ Petition stands disposed of. However, the petitioner is granted liberty to approach the first respondent Commissioner to initiate proceedings under Section 20 of the Right to Information Act as against the second respondent herein with regard to query No.1 and if any such application is filed within a period of Thirty (30) days from the date of receipt of a copy of this order, the same shall be entertained by the first respondent Commissioner without any reference to the period of limitation.

No costs.

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Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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