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W.P.No.18853 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.18853 of 2018

and

W.M.P.Nos.22229 of 2018 & 1906 of 2020

Punjab National Bank,
Circle Office,
Khandha Enclave,
No.179, Sarojini Street,
Coimbatore – 641 009.
Rep. by its Chief Manager

... Petitioner

Vs.

1.The Information Commissioner,
Central Information Commission,
Room No.302, CIC Bhawan,
Baba Gang Nath Marg,
Munirka,
New Delhi – 110 067.

2.S.Rajan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records and quash the impugned order passed in Appeal No.CIC/PNBNK/A/2017/115251 dated 22.05.2018.



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For Petitioner : Mr.M.L.Ganesh
For Respondents : Mr.Venkataswamy Babu
Senior Panel Counsel [R1]
M/s.D.Jaganathan [R2]

ORDER

This Writ Petition has been filed seeking for the issuance of a Writ of Certiorari, to call for the records and quash the impugned order passed in Appeal No.CIC/PNBNK/A/2017/115251 dated 22.05.2018.

2.The case of the petitioner is that the petitioner is a Nationalized Bank, a body constituted under the Banking companies (Acquisitions and Transfer of Undertaking) Act, 1970, carrying on banking business all over India. The second respondent is also an Official of the petitioner bank without seeking leave from the higher authorities submitted an application on 03.11.2016 seeking the following information to the Public Information Officer:

“(i) the photostat copy of Annual Inspection Report of all the branches in Coimbatore circle for the period 2015 and 2016.



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(ii) the photostat copy of the reply/remarks submitted by the branch head in respect of the Annual Inspection Report for the period 2015 and 2016.

(iii) details of action taken by the Circle Office in respect of the Annual Inspection Report for the period 2015 and 2016.

3.In response to the said application, the petitioner Bank had duly replied on 01.12.2016, in which, the Public Information Officer rejected the second respondent's application, against which, the second respondent filed an appeal on 28.12.2016 to the Appellate authority of the petitioner bank raising inter alia the grounds that the petitioner bank is a public sector bank and dealing with the activities of the public money, public money is drained by lending to the high net worth borrowers, counsellor and bank officials without properly following the Bank's guidelines. The Appellate authority confirmed the order passed by the Public Information Officer by rejecting the second respondent's application on 06.01.2017, against which, the second respondent has preferred an appeal before the first respondent. Pursuant to the appeal, the first respondent passed an order as against the petitioner and directed



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the petitioner to provide information to the second respondent.

Challenging the same, the present writ petition is filed before this Court.

4.Mr.M.L.Ganesh, the learned counsel for the petitioner submits that, during the pendency of this writ petition, the second respondent submitted his VRS application and the VRS was duly accepted and he was retired from service on 31.10.2017. Hence, he submitted that there is no need for providing any information as directed by the first respondent. Accordingly, he prayed for appropriate orders.

5.Mr.Venkataswamy Babu, learned Senior Panel Counsel appearing for the first respondent submitted that the first respondent, after hearing the submissions of both the parties, has passed the impugned order directing the petitioner Bank to provide information. Hence, he prayed for dismissal of this writ petition.

6.M/s.D.Jaganathan, learned Counsel appearing for the second respondent submitted that the second respondent, who worked as a Manager at Sembianmadevi Branch from 20.06.2013 to 13.12.2015.



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During his tenure, due to serious irregularities, disciplinary proceedings was initiated against him and the same is completed. Now, no disciplinary proceedings is pending against him. However, he fairly submitted that since the second respondent has retired, he is not pressing for the information sought for.

7.Heard Mr.M.L.Ganesh, the learned counsel for the petitioner, Mr.Venkataswamy Babu, learned Senior Panel Counsel appearing for the first respondent and M/s.D.Jaganathan, learned Counsel appearing for the second respondent and perused the materials placed on record.

8.It is not in dispute that disciplinary proceedings was initiated against the second respondent and the same was completed. It is also not in dispute that the second respondent has given VRS and he was relieved from service on 31.10.2017. Therefore, in such view of the matter and in view of the stand of the second respondent, there is no need for providing any information to the second respondent as per the order passed by the first respondent.

M.DHANDAPANI, J.



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9. Accordingly, the impugned order passed by the first respondent in Appeal No.CIC/PNBNK/A/2017/115251, dated 22.05.2018 is set aside and the writ petition is allowed. However, the petitioner bank is directed to pay the terminal benefits to the second respondent, if any, payable to him. No Costs. Consequently, the connected miscellaneous petitions are closed.

08.03.2023

Index : Yes / No

Speaking order / Nonspeaking order

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To

The Information Commissioner,
Central Information Commission,
Room No.302, CIC Bhawan,
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Munirka,
New Delhi – 110 067.

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and

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