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W.P.No.11788 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.11788 of 2022
and WMP.No.11637 of 2023**

K.Narasimman

... Petitioner

Vs.

1. The Central Information Commission,
Rep. by its Chief Information Commissioner,
CIC Bhawan, Baba Gangnath Marg,
Munirka, New Delhi-110 067.

2. The Principal General Manager (NW0-CM) and FAA,
1st Floor, BSNL, Admin Building,
Saibaba Colony Exchange,
Coimbatore-641 011.

3. The Deputy General Manager,
(HR and A) Central Public Information Officer,
CGM, BSNL, TN Circle, 6th Floor
BSNL Admin Building, 16 Greaves Road,
Chennai- 600 006.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India



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praying for issuance of Writ of Certiorarified, Calling for the records of order in file No. CIC/ BSNLD/ A/2020/ 134251 plus CIC/ BSNLD/ A/ 2020/ 132278 dated 20.01.2022 passed by the 1st respondent and quash the same and consequently direct the respondents to provide information requested by the petitioner by his application dated 13.05.2020 under the Right to Information Act.

For Petitioner : Mr.Krishnasamy Chinnasamy
For Respondents : Mr.Kulanthaivel, SPC
For M/s.Anil Sandeep, RR2 & 3

ORDER

This petition has been filed seeking to quash the order in file No. CIC/ BSNLD/ A/2020/ 134251 plus CIC/ BSNLD/ A/ 2020/ 132278 dated 20.01.2022 passed by the 1st respondent and consequently, direct the respondents to provide information requested by the petitioner by his application dated 13.05.2020 under the Right to Information Act.

2. It is the case of the petitioner that he was joined as a Junior Assistant on 09.08.2000 in Panchayat Union at Harur and promoted as an



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Assistant on 04.01.2006 at Panchayat Union, Pappireddipatti and thereafter, he has selected in TNPSC Group-I exam and joined as an Assistant Director at Virudhunagar in the year 2010. Such being the position, One Jayakumar made a complaint against the petitioner and one Sathiyamoorthy, Record Clerk, who was working under the petitioner and alleged that the said Sathyamoorthy demanded a sum of Rs.15,000/- on behalf of the petitioner for bribe for allotting a shop and also falsely implicated the petitioner also. In the above case, the petitioner was arrested on 07.09.2018 and registered a criminal case by the Vigilance and Anti-Corruption Department in Cr.No.8/AC/2018 under Section 7(a) of the Prevention of Corruption (Amendment) Act 2018 on 14.09.2018 and he was placed under suspension. In order to prove the case, the petitioner has made application on 13.05.2020 to the third respondent along with necessary fees to furnish the information as to whether anyone has applied for call details records of his BSNL Cell phone. If so, the petitioner has requested to furnish the name and date of application. However, the third respondent refused to provide the same. Aggrieved over the same, the petitioner has preferred appeal before



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the second respondent, who in turn simply confirmed the order of the third respondent without assigning any reason, vide order dated 15.09.2020. Challenging the said order, the petitioner again has filed second appeal before the first respondent seeking to furnish information and the same was disposed of vide order dated 20.01.2022. As against the said impugned order, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that the petitioner is entitled to get information for facing trial and the information sought for by the petitioner will not come under 8(1) of the RTI Act and in such circumstances, the respondents ought to have provided the information requested by the petitioner to prove his innocence. Therefore, the rejection orders passed by all the respondents are illegal and the same is liable to be quashed.

4. The learned counsel for the respondents submitted that admittedly the criminal case is pending against the petitioner before the



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competent Court. However, at this stage, the information sought for is third party information and the same cannot be furnished to the petitioner. The respondent has rejected the petitioners application under Section 8(1)(g) of the RTI Act and the order passed by the first respondent is in perfect, which cannot be interfere with.

5. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials available on record.

6. The facts of the case are not in dispute. Admittedly, one Jayakumar made a complaint against the petitioner and his subordinate for demand of bribe and after enquiry, the petitioner was implicated in the criminal case and filed a charge sheet before the learned Chief Judicial Magistrate, Krishnagiri in Spl.CC.No.1 of 2020 and the same is pending. During the investigation, the petitioner has sought for information with regard to the details of his phone number to all the respondents. However, subsequently, all the respondents have rejected the request made by the



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petitioner under Section 8(1)(g) of the RTI Act. For better appreciation, the said section is extracted hereunder:

(g) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;

7. A careful perusal of above said Section reveals that if the information discloses as sought for by the petitioner, it may be hardly endanger the life or physical safety of the officers whose name figure in the relevant records. Such being the case, the first respondent has rightly rejected the petitioner's appeal, which does not warrants any interference.

8. Accordingly, for the reasons aforesaid, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

26.04.2023

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NCC: Yes / No

Index : Yes / No

Speaking Order : Yes / No



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