



W.P(MD)No.11419 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.11419 of 2016

M.Ramasubbu

... Petitioner

Vs.

1.Tamil Nadu Information Commission,
No.2, Thiyagaraya Salai(Near Allayamman Kovil),
Teynampettai,Eldams road junction,
Chennai-600 018.

2.The Principal Secretary,
Public (Special -A) Department,
Fort St.George,
Chennai 600 009.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the impunged order dated 08.04.2016 bearing Order No. S.A-15355/Ma.Tha.Tha.Aa/2015 passed by the 1st respondent and quash the same and direct the respondents to furnish the necessary information sought by the petitioner and consequently to take action as per section 20(1) and 20(2) and 19(8)(b) of the Right to Information Act within the time limit fixed by this Court.



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For Petitioner : Mr.R.Saravanan
For R1 : Mr.K.K.Senthil
For R2 : Mr.J.K.Jeyaseelan,
Government Advocate

ORDER

The learned counsel for the petitioner has approached this Court with grievance that the information which have been sought under the Right to Information Act was not furnished to him. The petitioner has raised the two queries as follows:

(i) Copies of authenticated records received from the Director of Vigilance and Anti-corruption and from other officers to substantiate the enquiry in note dated 18.12.2013 that no vigilance enquiry is pending against Mr.Rameshram Mishra IAS ; and

(ii) Copy of the note file written based on his letter dated 15.05.2015.

2. The learned counsel for the petitioner submitted that the first query was rejected by referring that the IAS Officer is retired and as per Section 8(1)(j) of the RTI Act, 2005 as the disclosure of such information would cause unwarranted invasion of the privacy of the individual.



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3. With regard to the first query, the learned counsel for the respondents submitted that these are the information pertaining to individual officers, which are barred under Section 8(1)(j) of the RTI Act, 2005 and therefore, the petitioner is not entitled to know the above said information. The second information sought for by the petitioner is on the steps taken by the Principal Secretary, Public Department on his complaint dated 15.05.2015.

4. The learned counsel for the respondents have produced the Judgment of the Hon'ble Supreme Court Cases reported in **(2013) 1 SCC** in the case of **Mr.Girish Ramchandra Deshpande Vs. Central Information Commissioner**.

5. Though the petitioner is entitled for to receive the information, the complaint submitted by the petitioner was of the year 2015 and the officer is retired and even if any direction is issued by this Court at this stage, it will not make any useful purpose.

6. In view of the above, this Writ Petition is closed.

23.02.2023

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
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To

1. Tamil Nadu Information Commission,
No.2, Thiyagaraya Salai(Near Allayamman Kovil),
Teynampettai,Eldams road junction,
Chennai-600 018.
2. The Principal Secretary,
Public (Special -A) Department,
Fort St.George,
Chennai 600 009.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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Order made in
W.P(MD)No.11419 of 2016

Dated : 23.02.2023