



WP(MD)No.20719 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.20719 of 2017
and
WMP(MD)No.16990 of 2017

S.Latha

.. Petitioner

v.

1.R.Subramani

2.The Tamil Nadu State Information Commission,
No.2, Thiyagarayar Salai,
Nearby Aalayamman Kovil Street,
Eldams Road Junction,
Teynampet,
Chennai - 18.

3.The District Collector,
Collectorate,
Trichy District,
Trichy.

4.The Assistant Director (Audit),
Collectorate,
Trichy District.
Trichy.



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5.The Assistant Director (Village Panchayat),
Collectorate,
Trichy District,
Trichy.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari calling for the records relating to the order passed by the second respondent dated 31.08.2017 in S.A.No. 12720/Re-enquiry/B/2016 and quash the same.

For Petitioner : Mr.M.Muthugeethayan

For Respondents : Mr.B.Jameel Arasu for R.1

No appearance for R.2

Mr.G.Surya Anandh for R.3 to R.7

ORDER

According to the petitioner, the first respondent has sought for some information under the Right to Information Act and the same was also provided by the respondents 6 & 7. Not satisfied, the petitioner has preferred an appeal before the second respondent / State Information



Commission. The State Information Commission has also recorded in its order that the information has been furnished, however, observed that there was some delay in providing the information. While observing so, the Information Commission has absolved the respondents 6 & 7 for the delay, however, imposed a penalty of Rs.25,000/- on the petitioner, who was the then PA to Collector, Trichy, stating that the petitioner has failed to produce the order of transfer. Challenging the same, the petitioner has filed this writ petition.

2.The second respondent / State Information Commission has filed a counter affidavit that the petitioner herein / Tmt.Latha, Personal Assistant to Collector (Panchayat Development), Tiruchirappalli District, has assured before the Commission during the enquiry held on 08.08.2017 to take necessary action to transfer Thiru K.Raja, who was serving in his native place at Musiri as Block Development Officer. Moreover, the petitioner has submitted a letter dated 29.08.2017 addressed to the Commission that the District Collector, Trichy has made remarks that they may be permitted to transfer Thiru K.Raja, Block Development Officer, Musiri Panchayat Union



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from his native place to some other Panchayat Union after 31.08.2017 in view of pending target to be achieved before 31.08.2017 under the Central Scheme P.M.A.Y and that she will submit these details before the Commission on 31.08.2017. However, the petitioner has failed to appear for the enquiry before the Commission on 31.08.2017. Therefore, the Commission came to the conclusion that the petitioner herein is also responsible for having not provided the information fully to the RTI petitioner / first respondent herein and has imposed the cost.

3.This Court has perused the information sought for by the first respondent / RTI petitioner and the response offered by the officials. The first respondent has sought for information with regard to the reasons for withdrawal of cheque signing powers of Thiruthalaiyur Panchayat President and the consequent actions taken thereon. Though the information sought for has been furnished, he was not satisfied and preferred an regular appeal, followed by which, an appeal before the State Information Commission was filed.



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4. In the appeal proceedings, the State Information Commission has recorded that though the information sought for has been furnished, there was some delay in providing the information. Having observed so, the Commission has absolved the respondents 6 & 7 for the delay, who are the concerned officials. However, the Commission has imposed the penalty on the petitioner / then PA to Collector, Trichy, for having not produced the order transferring the Block Development Officer, Musiri Panchayat Union.

5. Transferring an official in the cadre of Block Development Officer vests with the District Collector and the petitioner herein / then PA to Collector has no role to play. The petitioner has communicated the stand of the District Collector before the Commission that it may be possible to transfer the concerned official at that relevant point of time. Therefore, the petitioner cannot be found fault with. To the most, the petitioner can be faulted with for having not appeared before the Commission for enquiry on 31.08.2017. The petitioner claims that she was sick at that relevant point of time and therefore, she could not appear on the said date.



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6.It appears that the petitioner has in fact no role to play in the appeal proceedings. It is the Assistant Director (Village Panchayat), who was directed to appear for enquiry before the Commission at the commencement of the proceedings. However, the said official could not appear before the Commission owing to a contempt proceedings before this Court and at this request, the petitioner / then PA to Collector has appeared before the Commission seeking time. However, she has been roped-in and was directed to get instructions from the District Collector.

7.Therefore, this Court is of the view that the imposition of penalty of Rs.25,000/- on the petitioner for her non-appearance for the enquiry before the Commission on 31.08.2017 is not warranted.

8.Accordingly, the impugned order dated 31.08.2017 is set aside to the limited extent of recording adverse remarks and imposing penalty on the petitioner.



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In fine, this writ petition is allowed in the above terms. No costs.

Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes
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B.PUGALENDHI, J.

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