



W.P.No.12806 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.12806 of 2024

S.Vetrivel

... Petitioner

-Vs-

1. State Chief Information Commissioner,
Tamil Nadu Information Commission,
Block No 19,
Government Farm Village,
Pernpet, Nandanam,
Chennai -600 035.
2. The Public Information Officer,
Public(Misc) Department,
Secretariat, Chennai -600 009.
3. The Public Information Officer,
Under Secretary To Government,
Tamil Nadu Vigilance Commission,
Secretariat, Chennai -600 009.
4. Public Information Officer,
Directorate Of Vigilance And Anti-Corruption,
Alandur, Chennai -600 016.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for Records and Quash the Order dated 14.03.2024 in Case No.CP



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163/SCIC/2019 passed by the Respondent No.1, and direct the Respondents to disclose the Preliminary Enquiry Report as against the said Ms.Sudha on the file of the Respondent No.4.

For Petitioner	: Mr.S.Varun
For R1	: Mr.C.Vigneswaran Standing Counsel
For R2 to R4	: Mr.N.Naveen Kumar Government Advocate

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 14.03.2024 in Case No.CP 163/SCIC/2019, thereby rejected the appeal filed by the petitioner.

2. Heard both sides the perused the materials available on record.

3. The petitioner is the husband of one Sudha, who is serving as Grade III Librarian at Kanchipuram Pillayarpalayam Library. While being so, the petitioner lodged a complaint as against the Directorate of Vigilance and Anti-Corruption alleging corruption against his wife. However, there was no progress and as such, the petitioner sought for information under Section 6(1) of the Right to Information Act, on 25.03.2019 before the third respondent with regard to the action taken on



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his complaint. On receipt of the said application, the second respondent transferred the petition and as such, the petitioner preferred an appeal before the first respondent under the Right to Information Act.

4. On enquiry, it was found that the petition submitted by the petitioner was transferred to the fourth respondent by its communication dated 26.04.2019. However, the information sought for by the petitioner does not involve the Home Department, but rather the Tamil Nadu Vigilance Commission and as such, the petition dated 25.03.2019 was once again, transferred to the third respondent by its communication dated 25.06.2019. It was duly communicated to the petitioner. On receipt of the same, the second respondent transferred the same to the fourth respondent for taking appropriate action. On the said complaint, the preliminary enquiry was conducted and as per the preliminary enquiry report, now, the action has been taken as against the delinquent under Section 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules.

5. Thereafter, the information sought for by the petitioner was



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rejected on three grounds as follows:-

(i) The personal information of the delinquent cannot be provided under the Right to Information Act.

(ii) The delinquent is being his wife and as such, no public interest is involved and it is a private litigation between the petitioner and his wife.

(iii) Further, the preliminary enquiry which was conducted by the disciplinary authority is in order to proceed with the disciplinary action.

6. On the basis of the preliminary enquiry, the final report has been filed and the disciplinary action has been initiated as against the delinquent. Therefore, the preliminary report cannot be furnished to anybody and it is coming under the purview of Section 8(i)(j) of the Right to Information Act.

7. Therefore, the request made by the petitioner was rightly rejected by the first respondent and this Court finds no infirmity or illegality in the order passed by the first respondent and the writ petition



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is devoid of merits and is liable to be dismissed.

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8. Accordingly, this writ petition stands dismissed. No costs.

12.08.2024

Internet: Yes

Index : Yes/No

Neutral Citation: Yes/No

Speaking/Non Speaking order

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G.K.ILANTHIRAIYAN. J.

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To

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