



W.P.No.33423 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2024

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.33423 of 2024

A. Nagaraj

.. Petitioner

Vs.

1. The Public Information Officer/The General Manager,
Engine Factory Avadi,
Unit of AVNL,
Chennai-600054.

2. The First Appellate Authority/ The Chief General Manager,
Engine Factory Avadi,
Unit of AVNL,
Chennai-600054.

3. The Central Information Commissioner,
Central Information Commission,
Baba Gang Nath Marg,
Munirka, New Delhi-110067.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus calling for entire



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records relating to the impugned order in S.A. No. CIC / ARVNL /A/ 2023 / 148519 dated 18.07.2024 on the file of the 3rd respondent and quash the same and consequently direct the 1st respondent to provide information to the petitioner on the basis of the application dated 08.06.2023.

For Petitioner : Mr.SArokia Mani Raj
For R1 & R2 : Mr.K.Ramanamoorthy
For R3 : Mr.C.Vigneswaran

ORDER

Writ petition has been filed in the nature of certiorarified mandamus seeking records relating to the impugned order in S.A.No.CIC/ARVNL/A/2023/148519 dated 18.07.2024 on the file of the 3rd respondent, the Central Information Commissioner, Central Information Commission, New Delhi, to quash the same and a consequential direction to the 1st respondent, the Public Information Officer/General Manager, Engine Factory Avadi at Chennai to provide information to the petitioner on the basis of his application dated 08.06.2023.



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2. The petitioner was appointed as Machinist in Varangaon in Maharashtra. He completed his seven years of service and was transferred to the Engine Factory at Avadi. In November 2022, according to him, the 1st respondent did not provide safety measures and tools and therefore, one finger of his right leg got affected in the 90 degree boiled hot water. He then made a representation to get personal protective equipments. It is stated that thereafter, a charge memo was issued against him.

3. A perusal of the charges issued against the petitioner show that they included, refusal to perform the assigned task consequent to which the production work got hampered and delayed, and he declined to work on 11.01.2023 and due to that, the cylinder head & cylinder jacket production was delayed and generally, he had committed acts of gross misconduct and wilful disobedience.

4. The petitioner had then started indulging in getting information from the respondents. The information he wanted were, the name and designation of the employees in-charge, the employees who were working



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as machinist, fitter, turner and electrician and the nature of their work. He also wanted information regarding number of employees working in various sections. He also wanted to know the name and designation of the in-charge of the head of the various sections. He also wanted to get the attendance record of the employees and other heads of units.

5. I am not able to understand as to how these informations would assist the petitioner in disproving the charges levelled against him. The petitioner must concentrate on ensuring that an adverse order is not passed against him in the disciplinary proceedings. It is also seen that the respondents are uniformed service engaged in critical production of equipments which are required for national use. The petitioner cannot disobey the orders. He cannot decline to work and he should not actually commit any misconduct. If there is a charge relating to those allegations then, it only be in the interest of the petitioner that he somehow manages to disprove the charges. Provision of gaining information would not be required at all to him. Specifically the information has not been forwarded to him in view of Section 8(1)(d) of the Right to Information Act.



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6. Learned counsel for the petitioner stated that Section 4(1)(b)(ii) of the said Act, gives the duty to the respondents to give all the information relating to the powers and duties of the officers and employees. It is also informed by the learned counsel for the petitioner that the petitioner is still continuing service.

7. It is to be noted that the Heavy Vehicles Factory at Avadi, is an organisation wedded to secrecy and there could not be disclosure of information of their employees or about the nature of work which they perform or the manufacturing activities which are carried on. It is also informed that out of 13 questions, except for these five questions, all the other questions have been answered and information has been provided.

8. Section 8(1)(d) of the said Act, states that even though Section 4(1)(b) directs information to be given of the employees who are working, if this information relates to trade secret or disclosure of which would assist the competitive position of a third party, then the said information can be denied.



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9. The respondents are well within the powers to take a decision as to which information to be provided and which should not be disclosed. The respondents have taken a decision in that regard. Judicial review would rely only if the procedure adopted is not correct, but not on the decision itself. This Court cannot substitute itself for the 3rd respondent and issue a direction as sought for by the petitioner herein. I am not inclined to issue any certiorari or any mandamus or any certiorarified mandamus.

10. With the above observations, the writ petition stands dismissed.

No costs.

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Index:Yes/No

Internet:Yes/No

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To

WEB COPY

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C.V.KARTHIKEYAN,J.

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