



W.P.(MD)No.15363 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD)No.15363 of 2018

and

W.M.P(MD)No.13852 of 2018

K.Sivanathan

...Petitioner

-Vs-

1.A.Mohideen Khan

2.The Central Information Commissioner,
Central Information Commission,
Room No.313, CIC Bhawan,
Baba Gangnath Marg,
Munirka, New Delhi – 110067.

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings of the 2nd respondent in No.CIC/BS/A/2016/001200 dated 15.01.2018 and quash the same as unsustainable under law and consequently direct the 2nd respondent to refund the amount recovered from the petitioner on the basis of the impugned proceedings.

For Petitioner : Mr.P.Subbiah

For Respondents : No appearance for R1 & R2



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ORDER

This writ petition has been filed challenging the order passed by the second respondent dated 15.01.2018, thereby imposed a fine of Rs.25,000/- payable by the petitioner to the first respondent.

2.The first respondent is the guardian of minor M.Shafia Begam has applied for duplicate Recurring Deposit (RD) passbook and duplicate Kisan Vikas Patra (KVP) certificate. The first respondent was appointed by the Court as guardian of minor M.Shafia Begam, since her parents died due to Tsunami. When the application was under process, the first respondent preferred an appeal before the first appellate authority. While pending appeal, the Public Information Officer disposed of the application submitted by the first respondent as per Section 2(f) of RTI Act r/w. Sections 2(1) and 2(j) of the Right to Information Act, informing the first respondent to which a citizen is entitled under the Right to Information Act, are those which are available in the material from with the Public authority. The Act does not provide for a right to seek comments, answers of interpretations to the queries raised by a citizen, obviously because they would be subjective. The said reply was given to the applicant by communication dated 28.01.2016. However, the first respondent



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was not satisfied with the reply and preferred an appeal before the first appellate authority and the same was also dismissed. Once again, the first respondent preferred the second appeal before the second respondent. While pending appeal, the first respondent was settled the recurring deposit claim. On receipt of the appeal, the second respondent called for explanation. On receipt of the same, the petitioner submitted his explanation and stated that he joined in the office only on 08.08.2016. His predecessor in the office was dealing with the RTI application submitted by the first respondent under the Right to Information Act. The application was filed on 28.12.2015 and the same was rejected on 28.01.2016 by the then Superintendent post whereas the petitioner had joined in the said post only on 08.08.2016. However, without considering the said explanation, the second respondent imposed a fine of Rs.25,000/- under Section 20 of the Right to Information Act. The said fine amount shall be paid in 5 equal monthly installments. Accordingly, the said amount was deducted from the petitioner's salary and deposited to the credit of the Joint Secretary/Additional Registrar of the second respondent.

3. Admittedly, the petitioner had joined as Superintendent post in Sivaganga Division on 08.08.2016, but the application submitted by the first respondent was rejected as early as on 28.01.2016. Therefore, the petitioner is



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no way connected for the non-furnishing the information under the Right to

Information Act as sought for by the first respondent.

4.In view of the above, the impugned order cannot be sustained and is liable to be quashed. The petitioner is at liberty to make an application before the second respondent for withdrawal of the amount deposited by him. On receipt of the application, the second respondent without ordering any notice to the first respondent, permit the petitioner to withdraw the amount which was deposited by the petitioner with accrued interest, if any.

5.Accordingly, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is also closed.

19.11.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR



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RJR

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