



W.P.(MD)No.26325 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD)No.26325 of 2024

P.Velraja

... Petitioner

Vs.

The Tamil Nadu State Information Commission,
Block No.19, Government Village Farm,
Nandanam, Chennai - 600 035.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent herein to dispose of the second appeal dated 24.06.2024 submitted by the petitioner by registered post with acknowledgement due, within a reasonable time as may be fixed by this Court.

For Petitioner : Mr.K.Appadurai

For Respondents : Mr.Raguvaran Gopalan

ORDER

This writ petition has been filed to direct the respondent to dispose of the petitioner's second appeal, dated 24.06.2024.



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2. As there was no transparency and as there were several irregularities in fixing the seniority for promotion from the post of Junior Assistant to Typist, the petitioner sought for information under Section 6 (1) of the Right to Information Act from the Public Information Officer, Tamil Nadu Public Service Commission on 09.02.2024,.

3. The Public Information Officer did not furnish the information sought for by the petitioner. Therefore, the petitioner invoking the provision of Section 19 of the Right to Information Act filed an appeal on 28.05.2024. As the petitioner did not receive any information on his appeal, the petitioner filed an appeal before the respondent on 24.06.2024, which was received by the respondent on 29.06.2024. As the respondent failed to exercise the statutory powers vested in him, and kept the appeal pending, the petitioner filed the writ petition for the aforesaid relief.

4. The learned counsel for the respondent stated that as the appeal dated 24.06.2024 was filed prematurely i.e. before the expiry of 30 days from the date of receipt of copy of the first appeal filed on 28.05.2024, the respondent did not take further action. The learned counsel for the respondent further submitted



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that from the year 2023, many matters are pending and the same are disposed of by the respondent on the basis of seniority and for that reason also the petitioner's appeal was not considered.

5. In my view, the first contention of the respondent that as the second appeal was filed even before the expiry of 30 days from the date of first appeal filed before the Public Information Officer, the appeal was not considered, cannot be accepted. It is seen that though the appeal was filed on 24.06.2024, the same was received by the respondent on 29.06.2024, one day after the time prescribed for filing the second appeal and so the said submission cannot be countenanced. As far as the second submission that several matters are pending from the year 2023 is concerned, I am of the view that the same also cannot be accepted. Mere pendency of cases cannot be a ground for not entertaining the petitioner's appeal. Therefore, a direction is issued to the respondent to dispose of the petitioner's second appeal, dated 24.06.2024 within a period of 12 weeks from the date of receipt of a copy of this order.



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6. Accordingly, this writ petitions stands disposed of. No costs.

04.11.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
SN

To:

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N.MALA, J.

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