APHC010133952020

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3333]**
(Special Original Jurisdiction)

WEDNESDAY, THE 28th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 8727/2020

Between:

1. K.K. SATYANARAYANA,, S/O. LATE SRI RAMASWAMY, AGED 59 YEARS, OCC JOINT SUB-REGISTRAR, MANDASA, SRIKAKULAM DIST. R/O. FIAT NO.102, SRI SIVA SAI NIVAS, MULSIM THATICHETLPALEM, VISAKHAPATNAM-530016.

...PETITIONER

AND

1. THE STATE INFORMATION COMMISSIONER, A.P.INFORRNATION COMMISSION, (UNDER RIGHT TO INFORMATION ACT, 2005) 1ST FLOOR, MGM CAPITAL, NEAR NRI HOSPITAL CROSS ROADS, SERVICE ROAD OF NH-16, CHINNAKAKANI, MANGALAGIRI, GUNTUR DIST. 522 508.
2. SRI K K N PRASAD, , DOOR NO 07-01-009, PYDIHONDAALA STREET, YANAM, EAST GODAVARI DIST. 533464.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased toto issue a Writ, Order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the order dated 17.09.19 in Appeal No. 925/SIC-MRK/2018, dt. 17.09,19 of the 1st respondent, is arbitrary, illegal and ultra viires the powers of 1st respondent under section 20(1) of the RTI Act, 2005 and consequently nullify the same

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the order dated 17-09-2019 in Appeal No. 925/SIC-MRK/2018, on the file of the 1st respondent pending disposal of the above writ petition

Counsel for the Petitioner:

1. A V S LAXMI

Counsel for the Respondent(S):

1. KAMBHAMPATI RAMESH BABU(SC FOR AP INFORMATION COMMISSION)

The Court made the following:

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 8727/2020

ORDER:

The present writ petition has been filed under Article 226 of the Constitution of India, seeking the following relief:

> "… to issue a Writ, Order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the order dated 17.09.19 in Appeal No. 925/SIC-MRK/2018, dt. 17.09.19 of the 1st respondent, is arbitrary, illegal and ultra vires the powers of 1st respondent under section 20(1) of the RTI Act, 2005 and consequently nullify the same and pass such order or orders…"

2. The case of the petitioner, in brief, is that while he was working as Joint Sub-Registrar at Yellamanchili of Visakhapatnam District, the 2nd respondent herein has made an application dated 08.04.2018 seeking certain documents. In pursuance of which, the information was furnished to him. Being not satisfied with the said information, the 2nd respondent has approached the Appellate authority and thereafter, approached the 1st respondent herein by way of second appeal. The 2nd respondent passed an order dated 17.08.2019 directing the petitioner to show cause under Section 20(1) of the RTI Act, as to why suitable disciplinary action should not be recommended against him, for which, the petitioner has submitted an explanation dated 14.09.2019, however with some delay. In spite of the same, the 1st respondent passed the impugned orders dated 17.09.2019 directing to initiate disciplinary action against the petitioner herein. Aggrieved by which, the present writ petition has been filed.

3. When the matter came up for admission on 26.05.2020, this Court passed the following interim order:

> "…In view of the submissions, there shall be interim suspension as prayed for."

4. In spite of several adjournments, no counter-affidavit has been filed by the respondents. Perused the material available on record.

5. A perusal of the impugned order would indicate that the 1st respondent directed to initiate disciplinary action against the petitioner without properly adverting to the explanation submitted by him. The power to recommend disciplinary action under Section 20(2) of the Act cannot be exercised mechanically and the authority is required to consider the explanation offered by the concerned officer and record its satisfaction with regard to the statutory requirements contemplated under the said provision.

6. In the present case, the petitioner has specifically contended that he had submitted his explanation dated 14.09.2019 pursuant to the show-cause notice dated 17.08.2019. However, the impugned order dated 17.09.2019 does not appear to have considered the explanation submitted by the petitioner or recorded any specific findings satisfying the requirements of the relevant statutory provision. Further, the respondents have not filed any counter-affidavit disputing the said contention.

7. It is also brought to the notice of this Court that the petitioner is no longer in service. Having regard to the said circumstances, and particularly in the absence of any material demonstrating due consideration of the petitioner's explanation and satisfaction of the statutory requirements, this Court is of the view that the impugned order cannot be sustained.

8. Accordingly, the Writ Petition is allowed, setting aside the impugned order dated 17.09.2019 passed by the 1st respondent in Appeal No.925/SIC-MRK/2018. There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this case shall stand closed.

_____
JUSTICE V.SUJATHA

Date: 28.10.2026
KA

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 8727/2020

Date: 28.10.2026
KA