HC-KAR

NC: 2026:KHC:61606
WP No. 8235 of 2024

CNR: KAHC010140792024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.P.VIVEKANANDA

WRIT PETITION NO. 8235 OF 2024 (GM-RES)

BETWEEN:

SMT. B.C. BHARATHI
AGED ABOUT 58 YEARS
DEPUTY REVENUE OFFICER
B.B.M.P. GOVINDARAJANAGAR
DIVISION, PALIKE SOUDA
CHANDRA LAYOUT
BANGALORE-560 040

...PETITIONER

(BY SRI. NAGESH VINAY S, ADVOCATE FOR
SRI. AKASH V.T, ADVOCATE)

AND:

1. KARNATAKA INFORMATION COMMISSION
HAVING ITS OFFICE AT 2ND FLOOR
MAHITHI SOUDHA
OPPOSITE TO WEST GATE-2 TO
VIDHANA SOUDHA
BANGALORE-560 001
REPRESENTED BY ITS COMMISSIONER

2. FIRST APPELLATE AUTHORITY
AND CHIEF ENGINEER
HAVING ITS OFFICE AT
NORTH DIVISION, B.B.M.P
JAYANAGAR 2ND BLOCK
BANGALORE-560 011

Digitally signed by
PREMCHANDRA M R
Location: HIGH
COURT OF
KARNATAKA

3. SMT. GAYATHRI DEVI
C/O SMT KALAMMA
NO 27, 11TH CROSS, AGRAHARA
DASARAHALLI, BANGALORE-560 079

…RESPONDENTS

(BY SRI. ANUP DEVARAJA, ADVOCATE FOR
SRI. SHARATH GOWDA G.B, ADVOCATE FOR R1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER PASSED BY RESPONDENT NO.1 IN APPEAL NO. ಕಮಾಅ/839/ಎಪಿಎಲ್/2023 DATED 28.11.2023 AT ANNEXURE-A.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE T.P.VIVEKANANDA

ORAL ORDER

The petitioner is before this Court challenging the order dated 28.11.2023 at Annexure-A passed by the Karnataka State Information Commission - respondent No.1 herein by which the State Information Commission has imposed penalty of Rs.25,000/- recoverable from out of the salary of the petitioner.

2. The contention of the petitioner in the instant writ petition is that the respondent No.3 had filed an

application under the Right to Information Act seeking information on 09.04.2022. As on the date of the said application, the Public Information Officer who was required to furnish the information was one Sri Renuka Prasad C. The information sought by the respondent No.3 was furnished on 30.01.2023 Sri Renuka Prasad C., was transferred from the post of Assistant Revenue Officer and also Public Information Officer on 30.01.2023. From the month of January till April, 2023, Sri Nataraj T., was the Assistant Revenue Officer, so also the Public Information Officer. It is when Sri Nataraj T., was functioning as a Public Information Officer, the respondent No.1-State Information Commission issued notice to the said Public Information Officer regarding non-furnishing of the information within the stipulated time.

3. The petitioner was transferred to the post of Assistant Revenue Officer, Govindarajanagar Sub-division on 21.04.2023. It is during the said period, the State Information Commission issued show cause notice to the

petitioner calling upon him to show cause as to why penalty of Rs.25,000/- shall not be levied for not furnishing the information within the stipulated time. It is the submission made by the learned counsel for the petitioner that due to inadvertence the show cause notice was not responded to by the petitioner, however, much prior to the same Sri Nataraj T., who was working as a Public Information Officer had already informed the State Information Commission that the documents sought by the respondent No.3 are not available.

4. Taking note of the said circumstances, the respondent No.1 – State Information Commission has imposed cost of Rs.25,000/- against the petitioner. It is the said order, which is under challenge in the present writ petition. While entertaining the writ petition, this Court passed an interim order staying the order passed by the respondent No.1 on 25.03.2024.

5. On 30.10.2026 after hearing the learned counsel for the petitioner, this Court directed the learned counsel appearing for the respondent No.1-State Information Commission to secure the records relating to the imposition of penalty to ascertain as to whether before imposition of penalty, the Commission was aware of the fact that the information had already been furnished on 30.01.2023 and the said fact was informed by the petitioner in response to the show cause notice issued by the Commission.

6. The learned counsel appearing for the respondent No.1 after securing the records submitted that much prior to the grant of interim order in this writ petition, the penalty of Rs.25,000/- had already been deducted from out of the salary for the month of January, 2024. The said fact was brought to the notice of the Commission by the petitioner herself, which has been recorded in the proceedings dated 18.09.2024. In that

view of the matter, no interference is required in respect of the impugned order is concerned.

7. From the above narrated facts, it is clear that the petitioner was not the Public Information Officer as on the date of the respondent No.3 filing the application seeking information and the information had been furnished by Sri Renuka Prasad C., on 30.01.2023 itself and the proceeding conducted by the respondent No.1 is only for imposition of penalty for delay in furnishing the information.

8. The instant writ petition was filed on 04.03.2024 and the interim order was passed on 25.03.2024. By then, the order impugned has already been given effect to and a sum of Rs.25,000/- was deducted from out of the salary of the petitioner for the month of January, 2024. Therefore, there was no occasion for the petitioner to challenge the impugned order insofar as imposition of penalty is concerned.

9. At this stage, the learned counsel for the petitioner expresses an apprehension that the fact of imposition of penalty by the State Information Commission might be entered in the service records of the petitioner and it would have an impact on the career of the petitioner in the service.

10. Having noticed the fact that the petitioner had assumed the charge of the office of the Assistant Revenue Officer, Govindarajanagar, only on 21.04.2023 and he was not responsible for the delay in furnishing the information sought by the respondent No.3, the request made by the petitioner for an appropriate direction to the employer of the petitioner not to make any entry in the service records of the petitioner regarding the imposition of penalty by the respondent No.1 is reasonable and required to be acceded.

11. In the circumstances, the prayer of the petitioner for quashing of the impugned order at Annexure-A is rejected, however, it is observed that the

fact of imposition of cost of Rs.25,000/- by the respondent No.1 against the petitioner shall not be entered in the service records of the petitioner. If the said fact for any reason has already been entered in the service records, the same shall be deleted taking note of the observation made in this order. Accordingly, the writ petition is ***disposed of.***

Ordered accordingly.

Sd/-
(T.P.VIVEKANANDA)
JUDGE

PB
List No.: 1 Sl No.: 4