

(2021) 04 JH CK 0066
In the Jharkhand High Court
Case No : W. P. (C) No. 5330 Of 2012

Chandeshwar Roy

APPELLANT

Vs

Jharkhand State Information Commission, Ranchi And Ors

RESPONDENT

Date of Decision : 08-04-2021

Acts Referred:

Citation : (2021) 04 JH CK 0066

Hon'ble Judges : Rajesh Kumar, J

Bench : Single Bench

Advocate : Ranjan Kumar Singh, Tarun Kr. Mahto

Final Decision : Disposed Of

Judgement

Heard learned counsel for the petitioner and learned counsel for the State. However, nobody appears on behalf of the private respondent as well The Jharkhand State Information Commission.

In the present writ petition, the petitioner has challenged the order of Information Commissioner dated 20.06.2011 whereby fine of Rs. 15,000/- has been imposed upon the Public Information Officer-cum-Executive Engineer, Minor Irrigation Department, Pakur and further compensation of Rs. 25,000/- has been ordered to be paid by the Department to the applicant seeking information.

Although, writ petition has been filed against the entire order dated 20.06.2011, but petitioner is neither authorized nor competent to file writ petition on behalf of State and as such it is confined to interest of the petitioner only.

At the very outset, it has been submitted that the said order has been misinterpreted by the Department and fine is sought to be recovered from this petitioner, although he was posted as In-charge Information Officer, Pakur from 01.08.2012 to 20.10.2012 and as such at the relevant point of time, he was not the concerned official.

It is settled principle of law that fine can be imposed against an individual for

misconduct or for non performing of duties. As submitted in the present case, the petitioner was not the concerned individual holding the post, which has been alleged to have committed a wrong by not supplying information to the applicant.

In view of the above discussion, present writ petition is, hereby, disposed of, giving liberty to the petitioner to file representation before the Secretary, Department of Water Resources, Government of Jharkhand, who, in turn directed to ascertain the factual aspect that the petitioner was holder of the post of Information Officer from 01.08.2012 to 20.10.2012 and not at relevant point of time. If the assertion of the petitioner is correct then no fine amount can be recovered from him, as directed vide order dated 20.06.2011 by the Information Commissioner in Appeal No. 2002 of 2010.

Accordingly, the present writ petition stands disposed of.