
(2013) 07 MAD CK 0120

In the Madras High Court

Case No : Writ Petition No. 622 of 2012 and M.P. No"s. 1 and 2 of 2012

K. Chindhanai Selvam

APPELLANT

Vs

The State Information Commissioner and Others

RESPONDENT

Date of Decision : 16-07-2013

Acts Referred:

Citation : (2013) 07 MAD CK 0120

Hon'ble Judges : M. Jaichandren, J

Bench : Single Bench

Advocate : K. Moorthy, for the Appellant; Vivek Sriram for R1 for G.R. Associates, Mr. T. Wilson Easter Raj for R3 and Mr. R. Ravichandran, Additional Government Pleader for R2, R5 and R6 and no appearance for R4, for the Respondent

Judgement

M. Jaichandren, J.—Heard the learned counsel appearing for the petitioner, as well as the learned counsels appearing on behalf of the

respondents. This writ petition has been filed praying that this Court may be pleased to issue a writ of Certiorarified Mandamus to call for and

quash the order passed by the first respondent, dated 12.12.2011, and consequently, direct the first respondent to accept the recommendation of

the second respondent made in his proceedings, dated 7.6.2010.

2. The main contention raised on behalf of the petitioner is that inspite of a detailed written explanation, dated 5.5.2010, having been submitted by

the petitioner, giving sufficient reasons for the non-furnishing of the required information, the first respondent has passed an order, dated

12.12.2011, recommending the initiation of disciplinary action against the petitioner.

3. It has been stated that the first respondent has not even referred to the

detailed explanation submitted by the petitioner, while passing the impugned proceedings. It had been further stated that the first respondent had passed the impugned proceedings in a cryptic manner, without giving sufficient reasons for recommending the initiation of disciplinary action against the petitioner.

4. The learned counsels appearing on behalf of the respondents concerned had not been able to show that the first respondent had passed the impugned proceedings after considering the detailed explanation, submitted by the petitioner, dated 5.5.2010. Thus, it is clear that the first respondent had passed the impugned proceedings, without considering the reasons contained in the explanation submitted by the petitioner. In view of the submissions made by the learned counsels appearing on either side and on a perusal of the records available, this court is of the considered view that the first respondent has passed the impugned proceedings, without considering the reasons stated by the petitioner in his written explanation, dated 5.5.2010. It is also noted that the recommendation of the first respondent for the initiation of the disciplinary proceedings against the petitioner would result in certain civil consequences, as held by the Supreme court in its decision, in Manohar Anchule Vs. State of Maharashtra and Another, . As such, this court finds it appropriate to set aside the impugned proceedings of the first respondent, dated 12.12.2011, and to remit the matter back to the first respondent to consider the explanation, submitted by the petitioner, dated 5.5.2010, and to pass an appropriate speaking order, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, after giving an opportunity of hearing to the petitioner. The writ petition is ordered accordingly. No costs. Consequently, connected miscellaneous petitions are closed.