
(2019) 12 JH CK 0024
In the Jharkhand High Court
Case No : Writ Petition (C) No. 2397 Of 2014

Yogendra Prasad	Vs	APPELLANT
State Of Jharkhand And Ors		RESPONDENT

Date of Decision : 19-12-2019

Acts Referred:

Citation : (2019) 12 JH CK 0024

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Anil Kumar Sinha, Chandra Prabha, Arbind Kumar, Sanjay Piprawall

Final Decision : Disposed Of

Judgement

Heard Mr. Anil Kumar Sinha, learned counsel appearing for the petitioner, Mr. Sanjay Pirprawall, learned counsel appearing for respondent no.2 and Mr. Arbind Kumar, learned A.C. to S.C-I appearing for the respondent-State.

Learned counsel for the petitioner is directed to make necessary correction with regard to respondent no.2 stating that the Information Commission is being represented through the Secretary of that Commission in place of Information Commissioner.

Notice issued upon respondent no.7 vide order dated 21.07.2015 has been validly served, but in spite of service of notice, respondent no.7 has not appeared.

The petitioner has preferred this writ petition for quashing the order dated 19.07.2011 passed by the Information Commissioner, Ranchi, in Complaint Case No. 56 of 2011 contained in Annexure-5, whereby, fine of Rs.25,000/- has been imposed against the petitioner and further direction was issued to the authority to take disciplinary action against the petitioner.

Learned counsel for the petitioner submits that during the pendency of the Complaint Case, the petitioner was transferred to Bengabad, District-Giridih. He

further submits that on earlier occasion, due to administrative work assigned to the petitioner by his superior he was not appeared before the Information Commissioner, but he deputed his junior to appear before the Information Commissioner and on certain dates, the information seeker was not present and that is why the hearing was not concluded. He further submits that there is no laches on the part of the petitioner, but inappropriate order has been passed against the petitioner. He further submits that after receiving the impugned order dated 19.07.2011, the petitioner filed a petition for review of the said order by way of Review Petition No. 12 of 2012, which was rejected by the State Information Commissioner vide order dated 12.03.2014 on the ground that the Commissioner has got no power to review its own order.

Per contra, Mr. Sanjay Piprawall, learned counsel appearing for respondent no.2 submits that there is no illegality in the order passed by the Information Commissioner as the petitioner has not represented before the Commissioner. The petitioner has also not filed any requisite documents to the effect whether the information has been provided within time or not. The statute provides power to pass such order.

Having heard learned counsel for the parties, this Court finds that on certain occasions the petitioner was not appeared before the Information Commissioner as he was transferred to another place and on certain occasions the petitioner appeared before the Commissioner. It cannot be said that due to laches on the part of the petitioner, the information was not provided. It also appears that the punishment is inappropriate. In that view of the matter, the order dated 19.07.2011, passed by the Information Commissioner, Ranchi in Complaint Case No. 56 of 2011 contained in Annexure-5, is set aside. The matter is remitted back to the Information Commissioner for passing a fresh order after providing opportunity of hearing to the petitioner.

Learned counsel for the petitioner undertakes that the petitioner will cooperate before the Information Commissioner in further proceeding and he will appear before the Information Commissioner on the date fixed by the Information Commissioner and provide requisite documents so that the matter may come to a correct finding.

With the aforesaid observation and direction, this writ petition stands disposed of.