

Court No. - 39

Case :- WRIT - A No. - 59233 of 2010

Petitioner :- Waseem Abbas

Respondent :- Information Commissioner State Information And Others

Petitioner Counsel :- T. A. Khan

Respondent Counsel :- C. S. C.

Hon'ble Dilip Gupta,J.

The petitioner, who is a Gram Panchayat Adhikari, Gram Panchayat Naghous, Block Behjoi, district Moradabad has sought the quashing of the order dated 20.4.2010 passed by the State Information Commissioner and order dated 21.8.2010 passed by the District Panchayat Raj Officer, Moradabad.

The order dated 20.4.2010 passed by the State Information Commissioner not only directs for deduction of the penalty amount of Rs. 25,000/- from the salary of the petitioner in five equal installments but also directs the petitioner to show cause why disciplinary proceeds may not be initiated against him.

By the order dated 21st August, 2010, the District Panchayat Raj Officer, Moradabad has ordered for deduction the amount from the salary of the petitioner from the month of August, 2010.

Learned counsel for the petitioner has submitted that an application was filed by Babu Ram Prajapati on 14.9.2008 seeking certain information before Zila Vikas Adhikari, Mordabad. On receiving the complaint, the petitioner informed the complainant that he should submit the requisite postal order or bank draft of Rs.10/- so that information can be supplied but the said Babu Ram Prajapati filed an appeal before the State Information Commission. It is stated that after receiving of the information from the State Information Commission, the petitioner furnished the information to Babu Ram Prajapati on 26.5.2010 but still the State Information Commission has passed the impugned order without taking into consideration the factual position that the application could not have been entertained in the absence of deposit of requisite fee.

The matter requires examination.

Learned counsel for the petitioner may implead the complainant Babu Ram Prajapati, as respondent No.4 in the writ petition.

Learned Standing Counsel appears for respondent Nos. 1, 2 and 3. Issue notice to newly impleaded respondent No.4 by registered posts. Steps may be taken within a week.

The respondents may file the counter affidavit within a period of three weeks. Rejoinder Affidavit, if any, may be filed within a week thereafter.

List this petition for admission/hearing in the week commencing 29th November, 2010.

Till the next date of listing, the operation of the impugned order dated 20.4.2010 passed by State Information Commissioner and order dated 21.8.2010 passed by the District Panchayat Raj Officer,, (Annexure Nos.6 & 9 to the writ petition) shall remain stayed.

Order Date :- 27.9.2010

SFH