

[3207]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)
MONDAY, THE SECOND DAY OF MAY,
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE BATTU DEVANAND
WRIT PETITION NO: 8842, 8947, 8955, 8960, 9532 OF 2022



Between:

K.Siva Koteswara Rao, S/o. Butchaiah, Aged 52 years, R/o. 6.19.9/5, 16th Lane,
Arundelpet, Lodge Centre, Guntur-522002

...Petitioner in all WPs

AND

1. Andhra Pradesh Information Commissioner, Rep. by State Information Commissioner, 1st Floor, MGM Capital, Near NRI Y Junction, NH-16 Service Road, Chinnakakani, Mangalagiri, Guntur-522302
2. First Appellate Authority, O/o. The Commissioner, A.P. Vaidya Vidhana Parishad, Himagna Towers, Gollapudi, Krishna District.
3. Public Information Officer, O/o. the Commissioner, A.P. Vaidya Vidhana Parishad, Himagna Towers, Gollapudi, Krishna District.

...Respondents in all WPS

WP No.8842 of 2022:

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Certiorarified Mandamus calling up for the records pertaining to the Show cause notice in Case No.7820/SIC-KJR/2019 dated 09.12.2021 and quash them as illegal, arbitrary, high-handed, violative of fundamental rights guaranteed to the Petitioner under Articles 14, 19 and 21 of the Constitution of India apart from violations of the statutory provisions of Right to Information Act, 2005 and consequently to direct the Respondent No.3 to furnish the information sought by the Petitioner vide application dated 01.08.2019 forthwith to impose a penalty of Rs.25,000/-, compensation of Rs.43,290/- and costs thereto on the 3rd Respondent for inaction against the information sought by the Petitioner.

IA NO: 1 OF 2022

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the Respondent No.3 to furnish the information sought by the Petitioner vide application dated 01.08.2019 as undertaken by the 3rd Respondent before the 1st Respondent in Case No.7820/SIC-KJR/2019 dated 09.12.2021, pending disposal of WP.No.8842 of 2022, on the file of the High Court.

WP No.8947 of 2022:

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Certiorarified Mandamus calling up for the records pertaining to the Show cause notice in Case No.7822/SIC-KJR/2019 dated 09.12.2021 and quash them as illegal, arbitrary, high-handed, violative of fundamental rights guaranteed to the Petitioner under Articles 14, 19 and 21 of the Constitution of India apart from violations of the statutory provisions of Right to Information Act, 2005 and consequently to direct the Respondent No.3 to furnish the information sought by the Petitioner vide application dated 05.09.2019 forthwith to impose a penalty of Rs.25,000/-, compensation of Rs.43,290/- and costs thereto on the 3rd Respondent for inaction against the information sought by the Petitioner.

IA NO: 2 OF 2022

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased Hon'ble Court may be pleased to direct the Respondent No.3 to furnish the information sought by the Petitioner vide application dated 05.09.2019 as undertaken by the 3rd Respondent before the 1st Respondent in Case No.7822/SIC-KJR/2019 dated 09.12.2021, pending disposal of WP.No.8947 of 2022, on the file of the High Court.

WP No.8955 of 2022:

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Certiorarified Mandamus calling up for the records pertaining to the Show cause notice in Case No.9002/SIC-KJR/2019 dated 09.12.2021 and quash them as illegal, arbitrary, high-handed, violative of fundamental rights guaranteed to the Petitioner under Articles 14, 19 and 21 of the Constitution of India apart from violations of the statutory provisions of Right to Information Act, 2005 and consequently to direct the Respondent No.3 to furnish the information sought by the Petitioner vide application dated 01.09.2019 forthwith to impose a penalty of Rs.25,000/-, compensation of Rs.43,290/- and costs thereto on the 3rd Respondent for inaction against the information sought by the Petitioner.

IA NO: 2 OF 2022

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the Respondent No.3 to furnish the information sought by the Petitioner vide application dated 01.09.2019 as undertaken by the 3rd Respondent before the 1st Respondent in Case No.9002/SIC-KJR/2019 dated 09.12.2021, pending disposal of WP.No.8955 of 2022, on the file of the High Court.

WP.NO.8960 OF 2022

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus calling up for the records pertaining to the Show cause notice in Case No.7821/SIC-KJR/2019 dated 09.12.2021 and quash them as illegal, arbitrary, high-handed, violative of fundamental rights guaranteed to the Petitioner under Articles 14, 19 and 21 of the Constitution of India apart from violations of the statutory provisions of Right to Information Act, 2005 and consequently to direct the Respondent No.3 to furnish the information sought by the Petitioner vide application dated 13.08.2019 forthwith to impose a penalty of Rs.25,000/-, compensation of Rs.43,290/- and costs thereto on the 3rd Respondent for inaction against the information sought by the Petitioner.

IA NO: 2 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent No.3 to furnish the information sought by the Petitioner vide application dated 13.08.2019 as undertaken by the 3rd Respondent before the 1st Respondent in Case No.7821/SIC-KJR/2019 dated 09.12.2021, pending disposal of WP 8960 of 2022, on the file of the High Court.

WP.NO.9532 OF 2022

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Certiorarified Mandamus calling up for the records pertaining to the Show cause notice in Case No.9003/SIC-KJR/2019 dated 09.12.2021 and quash them as illegal, arbitrary, high-handed, violative of fundamental rights guaranteed to the Petitioner under Articles 14, 19 and 21 of the Constitution of India apart from violations of the statutory provisions of Right to Information Act, 2005 and consequently to direct the Respondent No.3 to furnish the information sought by the Petitioner vide application dated 13.03.2019 forthwith to impose a penalty of Rs.25,000/-, compensation of Rs.43,290/- and costs thereto on the 3rd Respondent for inaction against the information sought by the Petitioner

IA NO: 2 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent No.3 to furnish the information sought by the Petitioner vide application dated 13.03.2019 as undertaken by the 3rd Respondent before the 1st Respondent in Case No.9003/SIC-KJR/2019 dated 09.12.2021, pending disposal of WP 9532 of 2022, on the file of the High Court.

These petitions coming on for hearing, upon perusing the Petition and the affidavits filed in support thereof and the order of the High Court order dated 25.04.2022 made herein and upon hearing the arguments of Sri Arun Showri.G, Advocate for the Petitioner in all the petitions, Sri Satheesh Kumar Eerla, Standing Counsel for 1st Respondent in all the petitions, Sri B Jagadeesh Kumar, Standing Counsel for 2nd and 3rd Respondents, the Court made the following.

COMMON ORDER:

"All these Writ Petitions are filed against the action of the 3rd respondent in non complying the order dated 09.12.2021 of the 1st respondent.

2. The 1st respondent passed order on 09.12.2021 directing the 3rd respondent i.e., the Public Information Officer to furnish information to the petitioner as directed by the Commission on 18.11.2021 on free of cost and also pay compensation of Rs.10,000/- to the petitioner within two weeks and also submit compliance report before the State Information Commission within three(3) weeks from the date of receipt of the order through registered post and through E-mail

3. The learned counsel for the petitioner submits that inspite of specific direction from the 1st respondent, the 3rd respondent did not furnish the information to the petitioner till date and the compensation is also not paid.

4. The learned Standing Counsel for the State Information Commission on instructions submits that inspite of specific direction from the State Information Commission to submit compliance report through registered post and through E-mail within three(3) weeks, the compliance report is not submitted by the 3rd respondent.

5. This Court on 25.04.2022 directed the 3rd respondent to appear before this Court. Accordingly, Smt G.Baby, the Deputy Secretary in the Office of the Commissioner, Andhra Pradesh Vaidya Vidhana Parishad, who is presently designated as Public Information officer present before this Court and submitted that she is designed as Public Information Officer in the office of the Commissioner, Andhra Pradesh Vaidya Vidhana Parishad on 30.03.2022 and as such she did not violated the orders passed

by the State Information Commission on 09.12.2021. She further submits that the concerned officer who discharged the functions as public information officer during that period is responsible for non compliance of the orders passed by the State Information Commission.

6. On enquiry, the officer present before this Court informed to the Court that one Smt.T.Vijaya Lakshmi, who is presently working as Assistant Director(Administration) in the office of the Commissioner, Andhra Pradesh Vaidya Vidhana Parishad and previously worked as Assistant Secretary in the said office was designated as Public Information Officer to that office prior to 30.03.2022 and she is responsible for non compliance of the order of the State Information Commission.

7. The learned counsel appearing for the 3rd respondent submits that they are ready to furnish the information as directed by the State Information Commission to the petitioner before this Court. He also submits that to pay compensation to the petitioner, the 3rd respondent has drawn demand draft, dated 28.04.2022 in favour of the petitioner and requested to grant permission to hand over the information sought by the petitioner and the demand draft drawn towards payment of compensation

8. The learned counsel for the petitioner also agreed to receive the same before this Court.

9. Accordingly, the 3rd respondent handedover the information material and demand draft to the learned counsel for the petitioner before this Court. The learned counsel for the petitioner sought time to verify the information furnished by the learned counsel for the 3rd respondent,.

10. Having considered the facts and circumstances of the case, this Court satisfied that Smt T.Vijaya Lakshmi who is presently working as Assistant Director(Administration) in the office of the Commissioner, Andhra Pradesh Vaidya Vidhana Parishad and who has discharged her functions as public information officer till 09.03.2022 is responsible for non compliance of the order passed by the State Information Commission.

11. Accordingly, Respondent No.1 shall invoke Section 20(2) of Right to Information Act and recommend for disciplinary action against Smt. T.Vijaya Lakshmi, the then Public Information Officer of Respondent No.3 under the applicable service rules and submit action taken report before this Court by next date of hearing.

Post on 15.06.2022 under the caption 'part-heard'."

Sd/- M.Suryanadha Reddy
ASSISTANT REGISTRAR

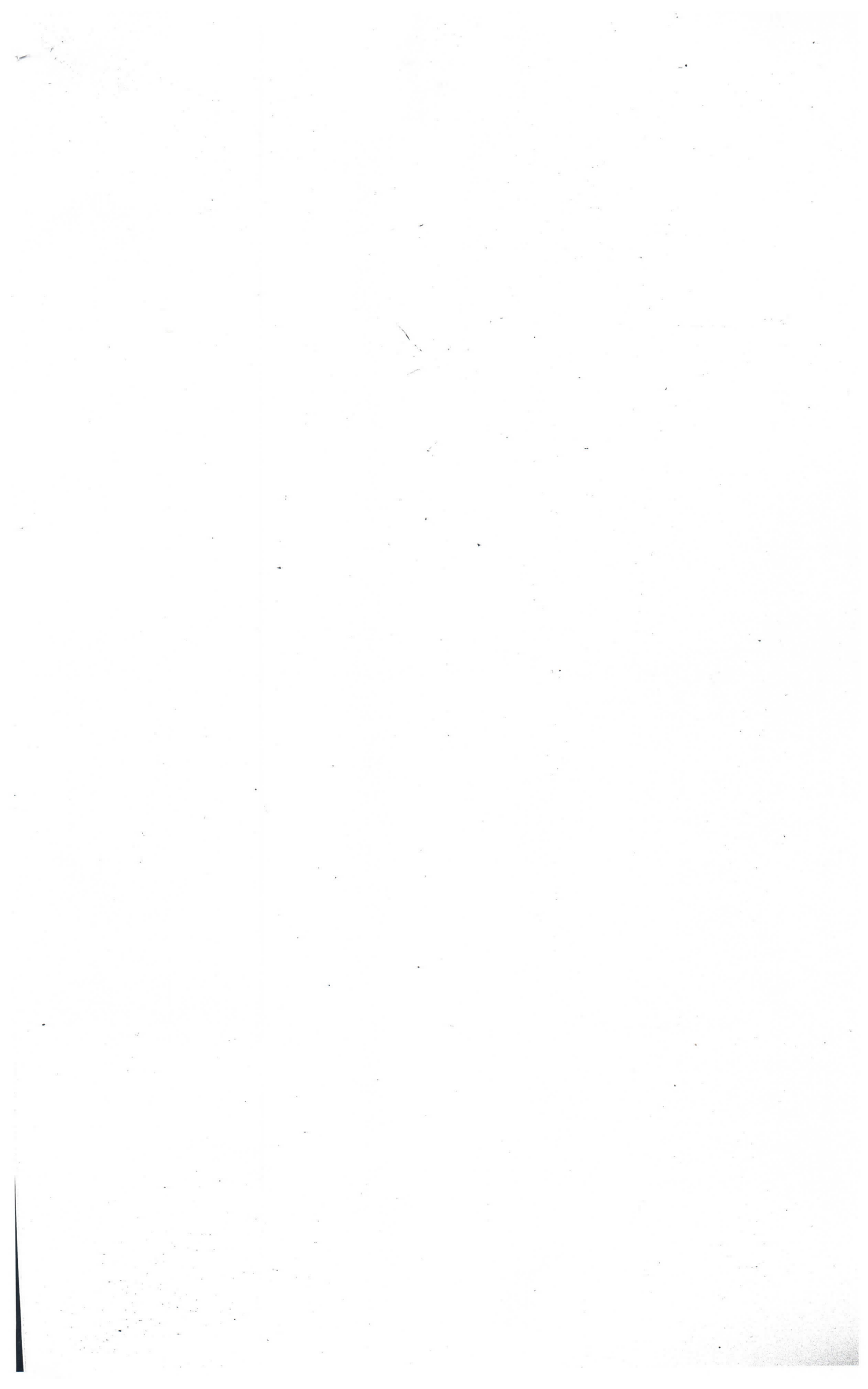
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For ASSISTANT REGISTRAR

To,

1. The State Information Commissioner, Andhra Pradesh Information Commissioner, 1st Floor, MGM Capital, Near NRI Y Junction, NH-16 Service Road, Chinnakakani, Mangalagiri, Guntur-522302
2. First Appellate Authority, O/o. The Commissioner, A.P. Vaidya Vidhana Parishad, Himagna Towers, Gollapudi, Krishna District.
3. Public Information Officer, O/o. the Commissioner, A.P. Vaidya Vidhana Parishad, Himagna Towers, Gollapudi, Krishna District. (by RPAD)
4. One CC to Sri Arun Showri.G, Advocate [OPUC]
5. One CC to Sri Satheesh Kumar Eerla, Standing Counsel [OPUC]
6. One CC to Sri B Jagadeesh Kumar, Standing Counsel [OPUC]
7. One spare copy

MM



HIGH COURT

DEVJ

DATED:02/05/2022

NOTE: POST ON 15.06.2022 UNDER THE CAPTION PART-HEARD

ORDER

WP.No. 8842, 8947, 8955, 8960, 9532 OF 2022

DIRECTION

