

**Court No. - 2**

**Case :-** WRIT - C No. - 17911 of 2010

**Petitioner :-** Prathma Bank Moradabad (Regional Rural Bank)

**Respondent :-** U.P. State Information Commission, Lko & Ors.

**Petitioner Counsel :-** Sanjiv Singh

**Hon'ble Ashok Bhushan,J.**

**Hon'ble Virendra Singh,J.**

Issue notice to the respondents returnable at an early date.

Steps be taken within a week.

Learned counsel for the petitioner contends that the State Information Commission has passed the order dated 9.7.2009, directing for imposing the penalty @ Rs. 250/- per day against the petitioner and its officers, under Section 20 Sub section 1 of the Right to Information Act, 2005 and on 4.12.2009, has directed the deduction of Rs. 25,000/- from the salary of the Public Information Officer of the bank. He further contends that the petitioner-bank is a Regional Rural Bank constituted under the Regional Rural Bank Act, 1976. It is further contended that in a proceeding before the State Information Commission in another case which was filed by one Kaushal Kumar Singh, Assistant Manager of the bank, an order was passed on 4.11.2007 holding therein that as the Regional Rural Bank has been established by the central government, the matter should be heard and decided by the Central Information Commission. Learned counsel for the petitioner has further submitted that this objection was also raised before the State Information Commission on 4.12.2009, which has been noticed in the order but has not been dealt with. Learned counsel for the petitioner relies on the definition of appropriate government under Section 2 (a) of the Right to Information Act, 2005 as well as the definition of Central Information Commission. It is further submitted that the State Information Commission has passed the order on the basis that 15% amount is made available by the state government. He further submits that the substantial finance having been provided by the central government, the matter was to be dealt with by the Central Information Commission and the State Information Commission has no jurisdiction in the matter.

Let a counter affidavit be filed within a period of four weeks. List thereafter.

In the meantime the effect and operation of the order dated

4.12.2009 as well as further proceedings of Complaint No. S3-1475/C/08, Raja Ram Singh Vs. General Manager, Chief Public Information Officer, Prathama Bank, Head Officer, Moradabad, shall remain stayed.

Office is directed to issue a certified copy of this order to the learned counsel for the petitioner today after taking usual charges.

**Order Date :-** 5.4.2010

Shiraz