

Court No. - 29

Case :- WRIT - C No. - 19374 of 2010

Petitioner :- Prathma Bank Moradabad (Regional Rural Bank)

Respondent :- U.P. State Information Commission Lucknow & Ors.

Petitioner Counsel :- Sanjiv Singh

Hon'ble Sunil Ambwani,J.

Hon'ble Kashi Nath Pandey,J.

The petitioner bank is aggrieved by the assumption of jurisdiction of the State Information Commission on complaint made by Smt. Shanti Devi wife of an employee of the Bank alleging that the Bank has not supplied to her information, which according to Shri Sanjiv Singh includes voluminous document including copies of roaster, rules, number of vacancies, list of officers, who appeared in the written examination for promotion and the Officer Grade-2, list of successful candidates, list of officers, who were called for interview, total marks obtained, marks obtained on the basis of seniority, list of selected candidates, list of officers called for interview for promotion of Regional Manager, pay scales of different cadres etc. Shri Sanjiv Singh submits that the respondent No.3 as wife of Shri Raja Ram Singh, employee of the bank has no concern with the information. The application filed by her husband was entertained by the Commission. In Writ Petition No.17911 of 2010 this Court has stayed the operation of the order of the State Information Commission on 5.4.2010.

It is stated that the bank has raised preliminary objection before the State Information Commission to the effect that the bank has been established under the Regional Rural Bank Act, 1976, which is a Central Act and that appropriate government in the present case under Section 2(a) of the Right to Information Act, 2005 is the Central Government. He submits that the State Information Commission does not have jurisdiction to entertain the matter.

In a similar matter arising out of information sought from the bank the State Information Commission has earlier decided in Complaint No.S-2-43/C/07, Kaushal Kumar Singh by order dated 14.11.2007 and found that the State Information Commission has jurisdiction to take up the matters only in respect of those public offices, who are under the supervision and control of the State Government.

We find that objection with regard to jurisdiction was taken but has not been decided by the State Information Commission before proceeding further in the matter.

Let notices be issued to all the respondents. Steps in a week. The respondents are granted four weeks' time to file counter affidavit. The petitioner will have one week, thereafter, to file rejoinder affidavit. List on 13.7.2010.

Until further orders, we provide that the State Information Commission shall before proceeding further in the matter decide the objection to its jurisdiction, by reasoned order in which it may also take into consideration the decision taken by the Commission earlier in the matter of Kaushal Kumar Singh by its order dated 14.11.2007.

Order Date :- 4.5.2010

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