

**Court No. - 29**

**Case :-** WRIT - A No. - 60153 of 2010

**Petitioner :-** Gayyur Ahmad Khan

**Respondent :-** Central Information Commission Thru' Its Secry. And Others

**Petitioner Counsel :-** Neeraj Tiwari

**Respondent Counsel :-** A.S.G.I.

**Hon'ble Sheo Kumar Singh,J.**

**Hon'ble Sabhajeet Yadav,J.**

Argument is that letter which was received by the petitioner although states about Rajesh Kumar Misra but the envelope/material so contained was actually letter seeking information about Satya Prakash Singh which was furnished by the petitioner which is also clear by tallying the letter number of the respondent and the reply so given by the petitioner and thus it was in good faith that petitioner could not send information about Rajesh Kumar Misra and information was given about Satya Prakash Singh.

Submission is that no notice was given to the petitioner before imposing penalty on the petitioner and thus for the inaction/negligence on the part of the respondents, petitioner cannot be held responsible.

Argument is that petitioner has categorically stated about non service of notice on him before imposing penalty for the alleged mistake on his part although from the facts, details and documents as are on record petitioner's good faith cannot be doubted.

Respondents 1 to 3 are represented by learned Addl. Solicitor General of India. Notices need not to be issued to respondents 4 and 5.

Counter affidavit may be filed by the next date.

List this matter after six weeks.

As an interim measure, it is provided that impugned order of penalty in so far as it relates to the petitioner dated 17.6.2010 passed by respondent no. 1, shall remain stayed and no deduction from the petitioner's salary will take place.

**Order Date :-** 7.10.2010

M.A.A.