

Court No. - 2

Case :- WRIT - C No. - 4209 of 2011

Petitioner :- Kunwar B.M. Singh

Respondent :- U.P. State Information Commission And Others

Petitioner Counsel :- Prakash Chandra Srivastav,R.K.S. Nishith

Hon'ble Sheo Kumar Singh,J.

Hon'ble Ran Vijai Singh,J.

Argument is that at the relevant time when the information was sought by the private respondent petitioner was not posted there and in any view of the matter he was not posted as information officer and thus without considering the relevant aspect, in an illegal and arbitrary manner impugned order imposing penalty on the petitioner has been passed.

Petitioner claims that he has not been given adequate opportunity in the matter and the notice is totally misconceived as it was never served upon him. The impugned order was passed by the Information Commissioner imposing fine is not justified.

Be as it may, respondent no. 1 to 3 are represented by the learned Standing Counsel.

Issue notice to respondent no. 4. Steps will be taken within ten days.

List this matter after service.

On the facts, this Court directs that operation of the order passed by the Information Commissioner dated 2.7.2010 (annexure no. 1) shall remain stayed till the next date of listing.

Order Date :- 25.1.2011

Sachdeva