

Court No. - 3

Case :- WRIT - C No. - 59636 of 2010

Petitioner :- Bans Raj Singh

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

Petitioner Counsel :- Jagannath Singh

Respondent Counsel :- C.S.C.

Hon'ble Amitava Lala,J.

Hon'ble Sanjay Misra,J.

Petitioner's contention is that he wanted certain information from the respondent no. 2 Director, Social Welfare Department, U.P. Lucknow under the Right to Information Act, 2005 but the same has not been given by such authority and when the appeal was made, the appellate authority by its order dated 30.3.2010 even indicated that if no such report is given, cost upto the level of Rs. 25,000 be imposed on such authority and the date of hearing was given.

It appears from the conduct that the authority is boldly flouting the order of the appellate authority under the Right to Information Act, 2005.

Against this background, we dispose of the writ petition by giving an opportunity to the authority i.e. respondent no. 2 to present before the appellate authority, who has passed such order and explain the position within a week positively and in spite of the same if such authority shows any rigidity then cost as proposed to be imposed upon such person holding the position from his personal account. But at the time of passing such order as to cost, it will be ascertained by the authority who was responsible officer for discharging duties to avoid burden, if any, upon the transferee officer/s ignorant of the fact.

With the above observations and order, the writ petition is disposed of.

No order is passed as to costs.

Order Date :- 4.10.2010

Pravin