

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN BENCH AT JAIPUR.
ORDER

S.B. CIVIL WRIT PETITION NO. 132/2015
DY. SECRETARY DEPARTMENT OF PERSONNEL, SECRETARIAT,
RAJASTHAN, JAIPUR
VS.

SHRI PRAKASH SHUKLA

DATE OF ORDER

08-01-2015

HON'BLE MR. JUSTICE MOHAMMAD RAFIQ

Mr. Inderjeet Singh, AAG, for the petitioner.

BY THE COURT:

Mr. Inderjeet Singh, learned Additional Advocate General appearing on behalf of the petitioner has contended that complete information on all the four issues demanded by the respondent was provided to him by the petitioner vide communication dated 20.12.2011 with which copy of the note sheet containing all the information was enclosed. Despite that, Rajasthan Information Commission has penalised the petitioner with fine of Rs. 25,000/- and cost of Rs. 2,000/- vide order dated 3.05.2013.

Issue notice to respondent, returnable by eight weeks.

Learned Additional Advocate General is directed to file requisite PF and notice for service of the respondent within one week failing which writ petition shall stand dismissed automatically without further reference to the Court.

In the meantime, operation of order dated 3.05.2013 (Annexure-5) shall remain stayed.

This Court has come across large number of cases where writ petitions have been filed by various departments of the State Government against the order passed by Rajasthan Information Commission. In most of the cases, it has been noticed that no one appears on notice issued by Rajasthan Information Commission and the facts, which are subsequently brought on record in the writ petitions filed before this Court and are explained in greater detail, are not produced before the Rajasthan Information Commission, thus, leaving no option with the Commission except to pass adverse orders against the State Government, which gives rise to otherwise avoidable litigation before this Court. When the Parliament by special enactment has set up State Information Commission, the Government functionaries should respond to its notice, if not personally, at least by written reply.

The Chief Secretary to the Government of Rajasthan, Jaipur is directed to ensure representation of all department before Rajasthan Information Commission, if necessary, by deputing an officer of appropriate rank, who may receive notice along with copy of appeal from Rajasthan Information Commission and expeditiously obtain the information from the concerned department and present their viewpoint before Rajasthan Information Commission. This is necessary to avoid the situation arising on account of negligence and non-appearance of representatives of the various departments of the State before Rajasthan Information Commission.

A copy of this order be sent to Chief Secretary to the Government of Rajasthan, Jaipur and compliance report thereof be filed before this Court within six weeks.

(MOHAMMAD RAFIQ),J.