

IN THE HIGH COURT OF KARNATAKA**CIRCUIT BENCH AT GULBARGA**DATED THIS THE 21ST DAY OF FEBRUARY 2011

BEFORE

THE HON'BLE Dr. JUSTICE K.BHAKTHAVATSALAWRIT PETITION No.80834/2010 (GM-RES)

BETWEEN:

Basawanappa,
S/o.Naganna Bilgundi,
Aged about 45 years,
Occ: Asst. Executive Engineer & PIO,
No.33, Sub-Division Robalbund,
UKP, Taluk: Lingasugur,
Dist: Raichur.

...PETITIONER

(By Sri.Prashanth Kumar S.Gotur, Adv.)

AND:

1. The Karnataka State
Information Commission,
Gate No.2, II & III Floor,
Multistoried Building,
Bangalore-1,
Rep. by its Commissioner.
2. The Chief Engineer,
Krishna Jala Bhagya Nigam Ltd.,
Operation & Maintenance Zone,
Narayanpur-585 219,
Dist: Gulbarga.

...RESPONDENTS

(By Sri.M.Kumar, AGA for R-1,
R-2 served & unrepresented)

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India, with a prayer to issue a writ of certiorari, quashing the Order dt.29.1.10 in Petition No.KIC 7464 PIN 2009

passed by the 1st Respondent/Karnataka information Commission, Bangalore (Ann-A), in the interest of justice & equity.

This Writ Petition coming on for further arguments, this day, the Court made the following:-

ORDER

The petitioner who is the Public Information Officer for the Krishna Jala Bhagya Nigam Limited at Gulbarga, is before this Court praying for quashing the Order dated 29.01.2010 made in Petition No.KIC 7464 PTN 2009 on the file of Respondent No.1/Karnataka State Information Commission, Bangalore (in short 'the State Information Commission') at Annexure 'A' in so far as levying penalty of ₹10,000/- from the salary of the petitioner.

2. The brief facts of the case leading to the filing of the Writ Petition may be stated as under:

One N.Basavaraj made an application dated 22.05.2009 to the petitioner herein seeking information relating to the following:

1. ರಾಂಪೂರ ಏತನೀರಾವರಿಯೋಜನೆ ಕಾಲುವೆ ನಿರ್ಮಾಣದ ಗುತ್ತಿಗೆದಾರರ ಹೆಸರು, ಕೆಲಸಗಳ ವಿವರ, ಖರ್ಚಿನ ವಿವರ.

2. ಮುಖ್ಯ ಕಾಲುವೆ, ವಿತರಣಾಕಾಲುವೆಗಳ ರಿಪೇರಿಕೆಲಸಗಳ ವಿವರ, ರಿಪೇರಿಕೆಲಸಕ್ಕಾಗಿ ಮಾಡಿದ ಮೊತ್ತ, ಎಚ್‌ಎನ್‌ಐ ಅಥವಾ ಗುತ್ತಿಗೆದಾರರ ವಿವರ, (ಚೆಕ್‌ನೋಟ್) ವಿವರ.



3. ರಾಂಪುರ ಏತನೀರಾವರಿ ಯೋಜನೆಯ ನವಲ ಮತ್ತು ಅನಾಹೊ ಸೂರು ಜಾಕ್ವೆಲ್‌ನಲ್ಲಿ ಅಳವಡಿಸಿದ ಯಂತ್ರಗಳು ಹಾಗೂ ಯಂತ್ರಗಳ ರಿಪೇರಿ ಅಥವಾ ಉಪಕರಣಗಳ ಅಳವಡಿಕೆಗೆ ಮಾಡಿದ ಖರ್ಚಿನ ವಿವರ.

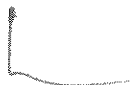
4. ಎಸ್. ಆರ್. ಜಂಗಲ್ ಕಟಂಗ್ ಹಾಗೂ ಇತರೇ ಕೆಲಸಗಳಿಗೆ ಮಾಡಿರುವ ಖರ್ಚಿನ ವಿವರ.

5. ನಿಗಮದ ವ್ಯಾಪ್ತಿಯ ರಸ್ತೆ ನಿರ್ಮಾಣ, ರಸ್ತೆ ಠಿಪೇರಿ ಕೆಲಸಗಳ ವಿವರ.

6. ಯೋಜನೆಗೆ ಇದುವರೆಗೆ ಮಾಡಲಾದ ಮೊತ್ತ ಹಾಗೂ ನೀರಾವರಿಗಾಗಿ ಪಟ್ಟಿ ಪ್ರದೇಶ.

3. In response to the said application, the petitioner herein issued Intimation dated 14.10.2009 seeking payment of ₹59,400/- towards the costs of supply of the information. But the said amount was not deposited. Thereafter, said Basawanappa directly filed an application before the State Information Commission stating that he wanted information in respect of Rampur Irrigation Scheme since 2004 onwards and other details as under:

- (i) When the scheme was commenced,
- (ii) the list of work undertaken along with the name of the Contractor, estimate cost,
- (iii) list of the pumps procured and installed,
- (iv) the list of repair work undertaken in respect of canal work, and



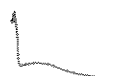
(v) list of work undertaken for pump house.

4. The petitioner is before this Court contending that the State Information Commission failed to note that the applicant changed his request from the original request. He also submits that the information requested by the applicant was non-specific and voluminous. The original request was given up and new request was made on 29.01.2010 and the same was furnished to the applicant on 01.02.2010. There was no good ground for imposing penalty on the petitioner.

5. Sri.M.Kumar, learned Addl. Govt. Advocate appearing for the Respondent No.1 submits that the information sought for by the applicant as per the original request at Annexure 'B' was later on changed and as per the changed request, the petitioner furnished the information to the applicant and there was no sufficient ground to levy penalty on the petitioner.

6. Perused the records in KIC No.7464/PTN/2009 on the file of Karnataka Information Commission.

7. The information required by the applicant is in relation to voluminous documents. Further, the original request was given up and made a new request after approaching the State Information Commission and the request was attended to by the petitioner.



But the State Information Commission has imposed penalty of ₹10,000/- on the petitioner. The impugned order imposing penalty of ₹10,000/- without holding enquiry, is bad in law and the same is liable to be quashed.

8. In the result, the Writ Petition is allowed and the impugned order dated 29.01.2010 made in KIC No.7464/PTN/2009 at Annexure 'A', in so far as imposing penalty of ₹10,000/- on the petitioner, is quashed.

Granted three weeks time to file memo of appearance by Sri.M.Kumar, learned Addl. Govt. Advocate for Respondent No.1.

Sd/-
JUDGE

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