



STATE INFORMATION COMMISSION, KERALA
PUNNEN ROAD, THIRUVANANTHAPURAM 695 001

Email: sic@kerala.nic.in

Proceedings of the Appeal Petition No. 1624(1)/2021/SIC
(File No.14478/SIC-Gen4/2021)

PRESENT

Dr. Vishwas Mehta, Chief Information Commissioner

Dated, 2022 February 19th

Dr. S. Diraviam Dinesh,
Advocate, Madras High Court,
No.23/6, Rajagopalan Street,
West Tambaram,
Chennai, Pin - 600 045.

} Appellant

1. The State Public Information Officer &
Public Relations Officer,
High Court of Kerala,
Ernakulam - 682 031.
2. The Appellate Authority &
Registrar General,
High Court of Kerala,
Ernakulam - 682 031.

} Respondents

Date of application u/s 6(1)	2.8.2021
Date of reply	1.9.2021
Date of filing first Appeal	20.9.2021
Date of decision on the first Appeal	11.10.2021
Date of filing 2 nd appeal in the Commission	5.11.2021
Date of receipt of 2 nd appeal in the Commission	8.11.2021
Date of Report called for by the Commission	22.11.2021
Date of receipt of report in the Commission	16.12.2021, 18.12.2021
Date of hearing (Audio) conducted	15.2.2022
Presence in the Hearing - Appellant	Present
SPIO	Present

ORDER

Appeal Petitioner Dr.S.Diraviam Dinesh, represented before the Commission that the Respondents withheld relevant information deliberately and

provided false information and requested to provide specific information and to initiate departmental action against the Respondents who acted in contravention to the provisions of the RTI Act.

2. In his RTI application submitted before the 1st Respondent, the Appeal Petitioner sought the following information related to his complaint dated 30.6.2021 addressed to the Hon'ble Chief Justice, High Court of Kerala and the Registrar (Vigilance), against Justice Mr.Ashok Menon, Judge, High Court of Kerala.

- i. whether any inquiry/steps has been taken in connection with his complaint dated 30.6.2021.
- ii. whether any curative action has been initiated in connection with his complaint referred to the above
- iii. If affirmative to question no.1 & 2 then provide documentary evidence regarding the same. If negative, then to provide explanation as to why no action has been initiated so far.

3. Reply to the above application was seen furnished by the 1st Respondent on 01.09.2021 stating that the Appellant's complaint dated 30.6.2021 was placed before the Hon'ble Chief Justice and on consideration of the complaint it was ordered as follows :

“ Judicial order passed in Crl.M.C. No.1666/2018 dated 18.6.2021 and observation therein are complaint of No case for any action ” .

4. Aggrieved by the reply received the Appellant filed his first appeal before Second Respondent stating that the Public Information Officer has deliberately provided evasive, arbitrary and unsatisfactory reply. The appeal was also disposed by the Second Respondent on 11.10.2021 stating that the information furnished by the SPIO was clear and specific and apart from the orders given by the Chief Justice he was not expected to give any more explanation against a judicial order and the Appellant's Complaint itself is regarding the adverse remarks against him in the judgement in Crl. M.C. No.1666/2018 dated 18.6.2021 and hence there is no merit in the appeal filed.

5. The 1st Respondent, furnished report before the Commission stating that the Applicant sought for information regarding a complaint dated 30.06.2021 lodged by him in connection with some observations of an Hon'ble Judge in the Judgement dated 18.6.2021 in Crl.M.C.No.1666/2018. The Public Information Officer vide letter No.PIO 272/2021 dated 01/09/2021 furnished reply

intimating that the Appellant that the petition lodged by the applicant was placed before the Hon'ble Chief Justice and on consideration orders were issued as "Judicial order passed in CrI.MC.No.1666/2018 dated 18.06.2021 and observations therein are complained of. No case for any action". Aggrieved by the reply of the SPIO the Appellant moved the first Appellate Authority. The appeal was also dismissed vide order dated 11.10.2021 of the Registrar General in RIA (Appeal) 22/2021.

6. It is evident from the reply that, in the light of the said order of the Hon'ble Chief Justice, that no further action was contemplated in the matter. The Appellant had required in item No.3 to provide documentary evidence to the information furnished if reply to items 1 & 2 are affirmative and if not so, to provide the reason for not taking action in the complaint. As reply to item No. 1 & 2 were not affirmative no documents were furnished with regard to the information furnished and the reason for not taking any action is evident from the reply of the State Public Information Officer.

7. On scrutinising the Appeal Petition and connected documents, the Commission is of the opinion that the Respondents have provided available information within in the time limit and not withheld relevant information and furnished false information deliberately as alleged by the Appellant and not acted in contravention to the provisions of the RTI Act and hence the replies furnished by the Respondents are in order, and further action is not required in the Appeal Petition filed by the Appellant.

8. The Commission disposes of this appeal petition as stated above on the 19th day of February, 2022.

Sd/
Dr. Vishwas Mehta
Chief Information Commissioner

Authenticated Copy



Commission Secretary



