Office of the Commissioner of Town and
Country Planning, Chennai-02
www.tn.gov.in/dtcp
Email ID: dtcp@vsnl.net

Roc.No.11687/201 7/RTI Dated:05 .07.2017.

Sub: Commissioner of Town and Country Planning, Chennai-2 – Right to Information Act,2005 – Challenging the order of Tamil Nadu Information Commission for imposing penalty – Appearance by the Special Government Pleader as Counsel for the Public Information officer – Instructions – issued – Regarding.

Ref: Secretary to Government i/c. Personnel an Administrative, Reforms (AR.III) Department, Secretariat Lr.(Ms) No.16152/AR.3/2017-1, date.16.06.2017.

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A copy of the above Government letter is Communicated herewith for further action.

Encl: Above G.O.

For Commissioner of Town and Country Planning.

To:
All the Subordinate Offices.

Copy:
All the Assistant Directors, Head Office,
Architectural Assistant/Planning Assistant,
Supervisors, Draught Man-Gr-2, Head Office,
Spare-1.

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272
RTI

**Personnel and Administrative Reforms (AR.III) Department, Secretariat, Chennai–600 009.**

**Letter (Ms)No.16152/AR.3/2017-1, dated: 16.06.2017.**

11687
27 JUN 2017

From
Thiru P.W.C. Davidar, IAS.,
Secretary to Government (i/c).

To
All Departments of Secretariat,
All Heads of Departments,
All District Collectors.

Sir/Madam,

Sub: Right to Information Act, 2005 – Challenging the order of Tamil Nadu Information Commission for imposing penalty – Appearance by the Special Government Pleader as counsel for the Public Information Officer – Instructions issued – Reg.

Ref: From the Secretary, Tamil Nadu Information Commission, Letter No.8184/Writ/2017, dated 08.05.2017.

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I am directed to state that, in the letter cited, the Secretary, Tamil Nadu Information Commission has informed that the Public Information Officer, Office of the Joint Commissioner (CT), Enforcement-I, Greams Road, Chennai – 600 006 has filed Writ Petition.No.5992 of 2017 in the High Court of Madras challenging the orders of the Tamil Nadu Information Commission, dated 22.09.2015 in SA.No.12009/F/2015 (Case No.2783/Enquiry/F/2013) (14249/2014). In the Commission's order, the Public Information Officer was ordered to pay a penalty of Rs.25,000/-, vide section 20(1) of the Right to Information Act, 2005 besides it was also recommended to initiate disciplinary proceedings by the appropriate authority against the Public Information Officer as per section 20(2) of the Right to Information Act, 2005. While the aggrieved person has a right to move the Court, it is seen that in this case, the Special Government Pleader (Taxes) is shown as the counsel for the Writ Petitioner. In effect, Government machinery has been used to thwart an order of the Commission.

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The Commission feels that it is not fair or correct for a Government counsel to be a party to challenge the orders of the Tamil Nadu Information Commission on behalf of a person penalized by the Tamil Nadu Information Commission. Hence, the Tamil Nadu Information Commission has requested to issue suitable instructions to all concerned.

2. The Government have carefully examined the request of the Secretary, Tamil Nadu Information Commission and direct that in all the cases where the Public Information Officer has been penalized under section 20 of the Right to Information Act by the Tamil Nadu Information Commission, the Public Information Officer shall not engage the Government Counsel to defend the case against the orders of the State Information Commission.

Yours faithfully,

19.6.17

for Secretary to Government.

Copy to:

*The Secretary,*
Tamil Nadu Information Commission,
No.2, Thiyagaraya Road,
Teynampet, Chennai – 600 018.
The Registrar General, High Court of Madras,
Chennai – 600 104.
The Registrar, Madurai Bench of High Court of Madras,
Madurai – 625 023.
The Advocate General of Tamil Nadu,
High Court of Madras, Chennai – 600 104.
The Additional Advocate, General-I of Tamil Nadu,
High Court of Madras, Chennai - 600 104.
The Additional Advocate, General-II of Tamil Nadu,
High Court of Madras, Chennai - 600 104.
The Additional Advocate, General-III of Tamil Nadu,
Madurai Bench of High Court of Madras, Madurai – 625 023.
The Additional Advocate, General IV of Tamil Nadu,
High Court of Madras, Chennai – 600 104.
The Additional Advocate, General V of Tamil Nadu,
High Court of Madras, Chennai – 600 104.
The Additional Advocate, General VI of Tamil Nadu,
Supreme Court of India, New Delhi.

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