

**HIGH COURT OF TRIPURA  
AGARTALA**

W.P. (C) No.861/2019

Md. Dilwar Hossain Khan

.....Petitioner(s)

Versus

The Union of India and others

.....Respondent(s)

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For Petitioner(s) : Mr. B. Banerjee, Advocate.

For Respondent(s) : Mr. H. Deb, Asstt. SG.

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**HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI**

**Order**

**20/12/2019.**

Petitioner had filed application for supplying certain documents to the State Public Information Officer on 26.09.2013. Since this application was not replied the petitioner approached the 1<sup>st</sup> Appellate Authority. Again there was no response. The petitioner thereupon approached the Central Information Commission, New Delhi, who passed order dated 29.12.2016 concluding portion of which reads as under:

**"DECISION:**

Keeping in view the facts of the case and the submissions made by both the parties, it is evident that no reply had been provided by the respondent in the matter, which is a grave violation of the provisions of the RTI Act, 2005. The Commission, instructs the Dy. CPO(IR)/CPIO to showcause why action should not be taken under the provisions of the Act for this misconduct and negligence. The Commission therefore, directs the respondent to:

1. Provide the information to the appellant within a period of 10 days;

2. explain why penal action should not be taken as per Section 20(1) of the RTI Act, 2005, within 15 days;  
from the date of receipt of this order.

The appeal stands disposed with the above direction."

Grievance of the petitioner is that despite this order, the documents as directed by the Central Information Commissioner have not been supplied by the respondents.

On 24.07.2019, learned Single Judge of this Court had recorded these facts and thereafter observed as under:-

"Today, when the matter came up before this court, there is no representation on behalf of any of the respondents. In this High Court, Union of India is represented by Mr. H. Deb, who has been appointed as Assistant Solicitor General of India. However, at present there is no Standing counsel on behalf of North East Frontier Railway.

The matter relates to the year 2016.

Issue notice calling upon the respondents to how cause as to why Rule shall not be issued, as prayed for; and/or why such further and other order(s) shall not be passed as to this Court may deem fit and proper.

It is submitted at the Bar that copy of the writ petition has already been supplied to learned Assistant SG. So, no formal notice needs be issued upon the respondent no. 1-Union of India.

Notice is made returnable on 19.09.2019.

The petitioner shall take steps for service of notice upon the remaining respondents within 3 (three) days by registered post with AD."

Despite these observations, today when the matter was called out no one is present for the respondents i.e. Railway Department and its authorities.

It is rather unfortunate that the Railway Administration has completely ignored the notice of this Court and orders passed by this Court as also failed to supply the documents as directed by the Information Commissioner.

Under the circumstances, the respondents are directed to provide the documents to the petitioner as per the order dated 29.12.2016 of the Central Information Commission. This shall be done within a period of one month from the date of receipt of copy of this order. The respondents shall also pay costs of Rs.10,000/- (Rupees Ten thousand) to the petitioner within the same time. Direct service to respondents No.2 and 3 permitted.

Petition disposed of.

**(AKIL KURESHI), CJ**

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