



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 9<sup>TH</sup> DAY OF JUNE, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE M.G.S. KAMAL**

**WRIT PETITION No. 25483 OF 2022 (GM-RES)**

**BETWEEN:**

1. SRI PANKAJ KUMAR PANDEY I.A.S.,  
S/O SRI DEO MANI PANDEY,  
AGED ABOUT 46 YEARS,  
PRESENTLY WORKING AS SECRETRY  
TO GOVERNMENT,  
COMMERCE AND INDUSTRIES DEPT,  
(MSME AND MINES),  
VIKASA SOUDHA,  
BENGALURU-560001.

...PETITIONER

(BY SRI RAJENDRA M. S., ADVOCATE)

**AND:**

1. KARNATAKA INFORMATION COMMISSION,  
GROUND FLOOR, MAHITHI SOUDHA,  
DR. DEVRAJ URS ROAD,  
OPPOSITE VIDHANA SOUDHA,  
GATE No.2, BANGALORE-560001,  
REPRESENTED BY ITS SECRETARY.
2. KENGE Gowda  
S/O LATE THIMME Gowda,  
No.110, HONNAGIRI Gowda STREET,  
YELCHENHALLI POST,  
MANDYA TALUK AND DISTRICT-571402.

...RESPONDENTS

(BY SRI RAJASHEKHAR K., ADVOCATE FOR R1)





THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 23.11.2022 IN APPEAL PASSED BY THE STATE INFORMATION COMMISSIONER (BENCH No.3) OF THE R1 (VIDE ANNEXURE-A) AS ARBITRARY, ILLEGAL, ULTRAVIRES THE PROVISION OF THE RIGHT TO INFORMATION ACT,2005 AND IN VIOLATION OF PRINCIPLES OF NATURAL JUSTICE.

THIS PETITION, COMING ON FOR ORDERS THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

**ORAL ORDER**

The petitioner, who was working as Secretary to the Government of Karnataka, Commerce and Industries Department (MSME & Mines) from 07.04.2021 and was also serving as Secretary to the Government, Sugar Department and Textile Department, which forms part of the Commerce and Industries Department, is before this Court being aggrieved by the order dated 23.11.2022 passed by respondent No.1 seeking the following reliefs;

*"Wherefore, the petitioner respectfully prays this Hon'ble Court for issuance if appropriate writ, order or directions;*

- a) In the nature of Certiorari and quash the Order dated 23.11.2022 in Appeal No.ಕಮಾಆ 14577 ಎಪಿಎಲ್ 2021 passed by the State Information Commissioner (Bench No.3) of the Respondent No.1 (vide Annexure A) as arbitrary, illegal, Ultra-vires the provisions of THE RIGHT TO*



*INFORMATION ACT, 2005 and in violation of principles of natural justice.*

*b) In the nature of declaration, declaring the action of Respondent No.1 invoking section 20(2) to direct the Petitioner to initiate disciplinary action against the Managing Director of Mysore Sugar Company Limited in terms of the Orders of the Respondent No.1 dated 13.09.2022 & 20.10.2022 in Appeal No. ಕಮಾಲ್ 14577 ಎಪಿಎಲ್ 2021 (vide ANNEXURE F and H) are ultra-vires the provisions of THE RIGHT TO INFORMATION ACT, 2005 and that the Petitioner would not be required to act in terms of the Order of the Respondent No.1 dated 13.09.2022 & 20.10.2022 in ಕಮಾಲ್ 14577 ಎಪಿಎಲ್ 2021(vide ANNEXURE F and H).*

*c) Pass such other order/s as this Hon'ble court deems fit to grant in the circumstances of the case in the interest of justice and equity."*

2. Respondent No.2, who was the ex-employee of Mysore Sugar Company Ltd., having been appointed as Personal Officer on contract basis, had apparently submitted an application under the Right to Information Act, 2005 (for short 'Act') to the Public Information Officer of the company seeking certain information on 08.02.2021 with regard to utilisations of certain funds granted by the Government. It appears, by communication dated 22.06.2021, the information as sought for by respondent No.2 was furnished concerning utilisation of grant towards implementation of Voluntary Retirement Scheme



(VRS), and also clarified that the utilisation certificate was yet to be submitted to the State Government.

3. Not being satisfied, respondent No.2 had preferred an appeal before the Chief Administrative Officer and thereafter, approached respondent No.1-Commission by way of further appeal. Respondent No.2 also sought further/additional information. Respondent No.1-Commission, by order dated 13.09.2022, directed the Public Information Officer of the company to furnish the additional information sought.

4. Subsequently, respondent No.1 had directed the petitioner to initiate disciplinary proceedings against the Managing Director of the Company, as he had purportedly not complied with the previous order of respondent No.1. Respondent No.1 passed another order dated 20.10.2022 observing that the petitioner herein had not reported compliance of earlier order dated 13.09.2022 and directed to take disciplinary action against the Managing Director of the Company and the petitioner was provided another opportunity to take action and report compliance. The said order dated 20.10.2022 was received at the office of the petitioner only on



23.11.2022 at about 04.00 p.m. However, respondent No.1, by further order dated 23.11.2022 impugned in this petition, has not only directed the Public Information Officer of the company to furnish the entire information which is already furnished, but has also directed the Chief Secretary to the State Government to initiate disciplinary action against the petitioner and to submit the action taken report within a period of 30 days. It is this order which is put in question before this Court.

5. It is contented that the petitioner is not a Public Information Officer not even the appellate authority appointed under the Act. As such, invocation of the provisions of subsection (2) of Section 20 of the Act against the petitioner is untenable. It is further contented that even otherwise the order impugned has been passed without affording any opportunity whatsoever to the petitioner of being heard.

6. The impugned order of respondent No.1 directing the Chief Secretary to the Government of Karnataka to initiate disciplinary action against the petitioner and to submit the report in this regard is illegal, without jurisdiction and authority



as no such power is conferred on respondent No.1 under the provisions of the Act.

Contenting as above, reliefs are sought in the petition.

7. Learned counsel appearing for respondent No.1 on the other hand submits that non-compliance of the directions issued by the Information Commission would result in certain actions to be taken, which are only to ensure due compliance of the provisions of the Act. It is in this spirit, the impugned order has been passed. However, he fairly submits that the provisions contemplate recommendation and do not contemplate reporting of the action taken on such recommendation.

8. Heard. Perused the records.

9. Paragraph 6 of the impugned order at Annexure-A read as under;

"6. ಪ್ರಕರಣದ ದಾಖಲೆಗಳು ಹಾಗೂ ಮೇಲ್ಮನವಿದಾರರ ಆಕ್ಷೇಪಣೆಯ ಅಂಶಗಳನ್ನು ಪರಿಗಣಿಸಿ ಆಯೋಗವು ಪ್ರಕರಣದಲ್ಲಿ ಕೋರಿರುವ ಮಾಹಿತಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಅಧಿನಿಯಮ ಜಾರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಕಾಲಂ 19(8(ಎ) ಅಡಿಯಲ್ಲಿ ನೀಡಲಾಗಿರುವ ವಿಶೇಷಾಧಿಕಾರ ಬಳಸಿ ಆಯೋಗವು ಈ ಕೆಳಕಂಡ ಆದೇಶ ನೀಡಿರುತ್ತದೆ.



ಆಯೋಗದ ದಿನಾಂಕ: 13.09.2022ರ ಹಾಗೂ 20.10.2022ರ ಆದೇಶದನ್ವಯ ಪಕರಣದ ಮಾಹಿತಿ ಒದಗಿಸುವ ಸಂಬಂಧ ಅಧಿನಿಯಮ ಉಲ್ಲಂಘಿಸಿರುವ ಸಿಬ್ಬಂದಿಯವರ ವಿರುದ್ಧ ಆಯೋಗವು ನೀಡಿರುವ ನಿರ್ದಿಷ್ಟ ನಿರ್ದೇಶನಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ವಿಫಲರಾಗಿರುವ ಶ್ರೀ ಪಂಕಜ್ ಕುಮಾರ್ ಪಾಂಡೆ(IAS), ಕಾರ್ಯದರ್ಶಿಗಳು ಹಾಗೂ ಮೈಸೂರು ಸಕ್ಕರೆ ಕಂಪನಿ ಲಿಮಿಟೆಡ್ ಅಧ್ಯಕ್ಷರು, ವಾಣಿಜ್ಯ ಮತ್ತು ಕೈಗಾರಿಕಾ ಇಲಾಖೆ, ರೂ.ನಂ.135, 1ನೇ ಮಹಡಿ, ವಿಕಾಸಸೌಧ, ಡಾ| ಬಿ.ಆರ್. ಅಂಬೇಡ್ಕರ್ ವೀಧಿ, ಇವರ ವಿರುದ್ಧ ಮಾಹಿತಿ ಹಕ್ಕು ಕಾಯ್ದೆ, 2005ರ ಕಲಂ 20(2)ರ ಅಡಿ ಶಿಸ್ತು ಕ್ರಮ ಜರುಗಿಸಿ, ಜರುಗಿಸಲಾದ ಶಿಸ್ತು ಕ್ರಮಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ದಾಖಲೆಗಳನ್ನು ತಮ್ಮ ವರದಿಯೊಂದಿಗೆ ಆಯೋಗಕ್ಕೆ ಸಲ್ಲಿಸಲು ಶ್ರೀಮತಿ ವಂದಿತಾ ಶರ್ಮಾ, ಸರ್ಕಾರದ ಮುಖ್ಯ ಕಾರ್ಯದರ್ಶಿಗಳು, ಕರ್ನಾಟಕ ರಾಜ್ಯ ಸರ್ಕಾರ, ರೂ.ನಂ.320, 3ನೇ ಮಹಡಿ, ವಿಧಾನಸೌಧ, ಬೆಂಗಳೂರು, ಇವರಿಗೆ 30 ದಿನಗಳ ಕಾಲಾವಕಾಶ ನೀಡಿದೆ. ಹಾಗೂ ಸಿ.ಆ.ಸು.ಇ.18.ಸೇ.ಇ.ವಿ.2001ರ ಸುತ್ತೋಲೆಯ ಪ್ರತಿಯೊಂದನ್ನು ಈ ಆದೇಶದೊಂದಿಗೆ ಲಗತ್ತಿಸಲಾಗಿದೆ."

10. Perusal of the aforesaid order would indicate that respondent No.1 has proceeded to pass the order in the nature of direction to the Chief Secretary to the Government of Karnataka not only to initiate disciplinary action against the petitioner, but also to submit action taken report within 30 days. Such an order is passed under the purported exercise of sub-section (2) of Section 20 of the Act.

11. Sub-section (2) of Section 20 of the Act reads as under;

" **20. Penalties.**

(1) \*\*\*\*



*(2) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause and persistently, failed to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall recommend for disciplinary action against the Central Public Information Officer or the State Public Information Officer, as the case may be, under the service rules applicable to him."*

12. Clearly, though there is a provision for recommending necessary action against the erring official in not complying with the directions in the nature of issuing information sought for, there is no provision contemplated thereunder to report or to submit the action taken report. On this ground alone, the impugned order requires to be quashed.

13. As regards the other contentions raised by the petitioner of he not being an information officer or even the appellate authority appointed under the Act and he not having been heard before passing the order is concerned, the same requires to be considered at the hands of respondent No.1.

14. In that view of the matter, the following:



**ORDER**

- (i) The writ petition is ***allowed***,
- (ii) The *order impugned dated 23.11.2022 in Appeal No.ಕಮಾೞ 14577 ಎಪಿಎಲ್ 2021 passed by the State Information Commissioner (Bench No.3) of the Respondent No.1*, is quashed.
- (iii) Respondent No.1 is at liberty to pass orders under Section 20 of the Act, after affording an opportunity of being heard to the petitioner and advertng to the response/cause shown, if any, by the petitioner.

**Sd/-  
(M.G.S. KAMAL)  
JUDGE**

MV  
List No.: 1 Sl No.: 13