



W.A.(MD)No.471 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date of Reserving the Judgment	Date of Pronouncing the Judgment
15.09.2025	22.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.A.(MD)No.471 of 2020
and
C.M.P.(MD)No.3361 of 2020

The Manager [TP-BPN],
 50, Building,
 Bharat Heavy Electricals Limited,
 Trichy – 14.

... Appellant / Respondent

vs.

Aron K.Thiraviaraj

... Respondent / Petitioner

PRAYER : Writ Appeal filed under Clause 15 of Letters Patent, against the order dated 26.02.2020, made in W.P.(MD)No.1200 of 2013.

For Appellant

: Mr.A.V.Arun

For Respondent

: Mr.T.Antony Arul Raj



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JUDGMENT

C.V.KARTHIKEYAN, J.

The respondent in W.P.(MD)No.1200 of 2013, the Manager (TP-BPN), Bharat Heavy Electricals Limited [BHEL], Trichy, is the appellant herein.

2. W.P.(MD)No.1200 of 2013 was filed by the respondent in the nature of a Writ of Certiorari seeking records relating to a penalty advice order dated 17.12.2012 passed by the appellant and to quash the same.

3. In the affidavit filed in support of the writ petition, the respondent contended that he was employed as a Crane Operator, Grade II, in the appellant company and was served with a show cause notice dated 01.12.2011 alleging misconduct of communicating official details obtained in the name of his wife through the Right to Information Act, 2005 (hereinafter referred to as "the RTI Act"). The respondent submitted his reply denying the allegations. However, on 23.01.2012, a charge memo was issued against him under Clauses 16 and 27 of Rule 60 read with Rule 51 of the Standing Orders of the appellant Company. He



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again submitted an explanation. Despite the same, the appellant proceeded to initiate disciplinary proceedings and appointed an Enquiry Officer, who conducted the enquiry. The enquiry report held that the charge was established. Subsequently, a second show cause notice dated 30.06.2012 enclosing the findings of the Enquiry Officer was issued. In response to the same, the respondent submitted his explanation.

4. Thereafter, the impugned penalty advice dated 17.12.2012 was served on the respondent, imposing a punishment of pay reduction by two stages for a period of one year with cumulative effect. The respondent challenged this penalty advice by filing the writ petition.

5. A counter affidavit was filed by the appellant, wherein it was contended that the enquiry proceedings were conducted after affording the respondent full and fair opportunity of being heard. It was further argued that the respondent had filed the Writ Petition without exhausting alternate remedies of approaching the Labour Court or Industrial Tribunal.



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6. The appellant also contended that the respondent was in the habit of seeking information from the appellant organization under the RTI Act. In this instance, an application was filed by the respondent's spouse, and the information received was displayed on the Notice Board of 58 Canteen of the appellant company. The appellant considered this act of pasting official information on the Notice Board as a misconduct. Consequently, a show cause notice was issued to the respondent. Since the explanation provided was found unsatisfactory, a charge memo was issued, and an enquiry was conducted, in which the respondent participated.

7. The Enquiry Officer ultimately concluded that the allegations against the respondent were proved. Subsequently, a second show cause notice was issued, and after considering the respondent's explanation, the appellant imposed the penalty through the impugned penalty advice.

8. It was further contended that all necessary procedure as required by law were duly followed and that the writ petition filed by the respondent is devoid of merit and ought to be dismissed.



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9. The learned Single Judge [*J.Nisha Banu, J.*] in the order dated 26.02.2020, held that Rule 51 of the Standing Orders relied upon by the appellant pertained to unauthorized communication of information, and Rule 60(16) related to unauthorized communication of official documents. The learned Single Judge observed that the very purpose of the RTI Act was to facilitate the general public to obtain information to promote transparency and accordingly held that the disclosure of information obtained through the RTI Act could not be construed as unauthorized communication.

10. The learned Single Judge further held that the foundation for the issuance of the charge memo and the departmental proceedings was baseless. On facts, it was found that there was no evidence to prove that the respondent had affixed the information on the Notice Board of 58 Canteen. It was also observed that the information in question could not be regarded as unauthorized communication. Therefore, the learned Single Judge concluded that the impugned penalty advice dated 17.12.2012 deserved to be interfered with and accordingly allowed the writ petition.



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11. Questioning the order of the learned Single Judge, the respondent in the writ petition filed the present writ appeal.

12. Heard arguments advanced by Mr.A.V.Arun, learned counsel for the appellant and Mr.T.Antony Arul Raj, learned counsel for the respondent.

13. Mr.A.V.Arun, learned counsel for the appellant submitted that the spouse of the respondent had obtained information concerning the selection of the 9th Artisan Examinations, which was supplied to her by communication dated 29.09.2011. This particular communication was found pasted on the Notice Board of 58 Canteen of the appellant company. The learned counsel contended that the only reasonable inference that could be drawn was that the respondent had pasted the said information.

14. The learned counsel relied on Clause 60(16) of the Standing Orders of the appellant, which provides that unauthorized communication of official documents or information, and disclosure to unauthorized persons of information relating to the company's operations and business, constitutes an act of



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misconduct. Further, the learned counsel referred to Rule 61, which prescribes the punishment for misconduct, and Rule 62, which outlines the procedure for dealing with cases of misconduct.

15. It was argued that the respondent did not raise any grievance regarding the procedure followed during the enquiry. The appellant was therefore well within its authority to impose an appropriate punishment if the act of misconduct was established through the enquiry.

16. Finally, learned counsel emphasized that alternate remedies were available to the respondent, and urged that this Court should interfere with the order of the learned Single Judge, set aside the order, and allow the appeal.

17. Mr.T.Antony Arul Raj, learned counsel for the respondent, however, disputed the said contentions. According to him, there was no evidence to establish that the respondent had pasted the information on the Notice Board of 58 Canteen.



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18. He further contended that even if it were held that the respondent was responsible for pasting the information, such act would not amount to unauthorized communication. The information in question was obtained through the RTI Act and was not disseminated to the general public; rather, it was displayed only on the Notice Board, which was accessible solely by the staff and officers of the appellant company.

19. The learned counsel submitted that the learned Single Judge had correctly appreciated the facts and law and had rightly allowed the writ petition by quashing the penalty advice. Accordingly, he urged that the Writ Appeal should be dismissed.

20. We have carefully considered the arguments advanced and perused the material records.

21. The appellant herein was the respondent in W.P.(MD)No.1200 of 2013. For the sake of convenience, the parties shall be referred to by the same



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nomenclature as in the writ petition, whereby the respondent herein shall be termed the writ petitioner, and the appellant herein as the respondent in the writ petition.

22. The writ petitioner, Aron K.Thiraviaraj, was employed as a Crane Operator, Grade II, in the respondent company.

23. It is the contention of the respondent in the writ petition that the spouse of the writ petitioner had sought information regarding the selection process of the 9th Artisan Examinations. The information sought included details such as the number of applicants, the number of candidates permitted to write the examination, the number selected, their respective States of origin, community, and the number of persons selected under special categories including Ex-Army personnel, women, physically challenged persons, and children of employees.

24. This information was furnished to her by a communication dated 29.09.2011. This communication, which was considered by the respondent in the writ petition as information permissible for disclosure to the general public or third parties, was however found pasted on the Notice Board of 58 Canteen of the respondent company.



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25. Upon investigation, officials of the respondent company deduced that the writ petitioner was responsible for pasting the said information, and accordingly, issued a show cause notice dated 01.12.2011.

26. The writ petitioner submitted a reply on 15.12.2011 denying the allegations. However, on 23.01.2012, a charge memo was issued under Rule 60(16) and (27) read with Rule 51 of the Standing Orders.

27. Rule 60 enumerates various acts and omissions constituting misconduct. Sub-clause 16 of Rule 60 provides as follows:

"60. Acts and omissions constituting misconduct:

16. Unauthorised communication of official documents or information and disclosure to any unauthorised person of information relating to the Company's operations and business."

28. Sub-clause 27 of Rule 60 is as follows:-

"60. Acts and omissions constituting misconduct:

27. Any breach of these Standing Orders."



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29. Rule 51 of the Standing Orders deals with unauthorized communication of information. The rule reads as follows:-

"51.Unauthorised communication of information:

No employee shall, except in accordance with any general or special order of the Managing Director / Resident Director / General Manager or in the performance in good faith of the duties assigned to him communicate directly or indirectly, any official document or information to any employee or any other person to whom he is not authorised to communicate such document or information."

30. The writ petitioner submitted an explanation in response to the charge memo; however, the explanation was found unsatisfactory, and consequently, disciplinary proceedings were initiated. The Enquiry Officer, upon conducting the enquiry, concluded that the charge had been proved.

31. The charge against the writ petitioner was that he had committed misconduct by communicating official details obtained through the RTI Act in the name of his wife to the public, without any authorization. The Enquiry Officer



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had found that the writ petitioner had acquired the recruitment details *via* the RTI Act in his wife's name and had subsequently pasted the information on the Notice Board of 58 Canteen. Accordingly, the charge was held to be established.

32. The scope and objective of the RTI Act is to provide access to information under the control of public authorities, with the aim of promoting transparency and accountability in the functioning of every public authority.

33. Section 2(f) of the RTI Act defines "information" which is as follows:-

"2.Definitions.-

(f) "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;"

34. Section 2(j) of the RTI Act defines "right to information" which is as follows:-

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"2.Definitions.-

(j) "right to information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to -

- (i) inspection of work, documents, records;*
- (ii) taking notes, extracts or certified copies of documents or records;*
- (iii) taking certified samples of material;*
- (iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;"*

35. Chapter II of the RTI Act provides for Right to Information and Obligations of Public Authorities. Section 3 of the RTI Act deals with right to information which is as follows:-

"3. Right to information.-

Subject to the provisions of this Act, all citizens shall have the right to information."

36. Section 8 of the RTI Act lists the information which are exempted from disclosure.



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37. In the instant case, it is not in dispute that the spouse of the writ petitioner had applied for information relating to the selection process for the 9th Artisan Examinations. The said information was furnished by the Deputy General Manager (Law), Member Secretary, Appellate Committee, BHEL Corporate Office, New Delhi. This clearly indicates that the information was disclosed with the intent of promoting transparency in the selection process and was released with the confidence that it was accurate and that the respondent in the writ petition had complied with all requisite procedures during the selection process without violating any applicable rules.

38. It is relevant to note that the information disclosed was not an official communication in the traditional sense, but rather public information shared with an applicant, in this case, the spouse of the writ petitioner, pursuant to the provisions of the RTI Act, aimed at promoting transparency in the functioning of the respondent company. Such information cannot be classified as an “official document” or as relating to the internal operations or business of the company within the meaning of Sub-clause (16) of Rule 60 of the Standing Orders.

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39. Even the respondent in the writ petition had not treated the information as exempt from public disclosure. It is not the case of the respondent that the publication of the information on the Notice Board of 58 Canteen led to any unrest or disruption among employees. No disturbances were reported. In fact, had the respondent simply ignored the pasted information, the matter may not have attracted any attention. The prominence the issue ultimately received arose only because of the issuance of the show cause notice to the writ petitioner.

40. The information disclosed was innocuous in nature, merely providing statistical details such as the number of applications received, the number of candidates selected, their States of origin, their communities, and categories such as ex-servicemen, women, physically challenged individuals, and children of employees. For instance, it is noted that out of 465 individuals selected, 423 were from the State of Tamil Nadu. Far from causing harm, the publication of such data would have only served to enhance the reputation of the respondent by demonstrating adherence to the prescribed rules and guidelines during the selection process.



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41. There was no challenge to the selection process or to the individuals selected. In these circumstances, the act of pasting this information on the Notice Board cannot be reasonably construed as misconduct or as unauthorized communication of an official document under the applicable Standing Orders.

42. In the first place, the material in question does not constitute an “official document” in the strict sense, but rather pertains to information that was already available and lawfully disclosed to the general public, specifically, to the applicant, who is the spouse of the writ petitioner and strictly a third party stranger and not an employee of the respondent in the Writ Petition. The only conceivable grievance that the respondent in the writ petition could have raised is that the said information was pasted on the Notice Board without prior permission.

43. However, even this objection does not withstand scrutiny when examined in the light of Rule 51 of the Standing Orders. That Rule pertains to the unauthorized communication of official documents or information by an

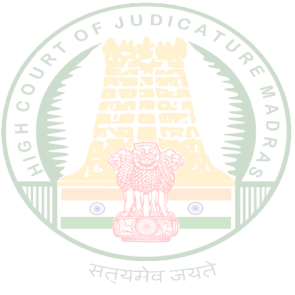


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employee who is not authorized to do so. In the present case, the information pasted on the Notice Board was not confidential, sensitive, or exempt from disclosure. On the contrary, it was information disseminated by the respondent themselves, in accordance with the RTI Act. The respondent, by voluntarily furnishing the said details, had implicitly acknowledged that the information was not exempt from public disclosure and therefore that it could be disseminated to the general public. Therefore, it cannot be reasonably contended that the writ petitioner committed misconduct by displaying information that the respondent themselves had deemed suitable for public access.

44. In view of these reasons, we hold that the learned Single Judge had correctly appreciated the facts of the case and had rightly held that the very foundation of the issuance of the charge memo and the departmental proceedings were baseless. We concur with that opinion expressed by the learned Single Judge. The Writ Appeal therefore necessarily has to suffer an order of dismissal and accordingly, the same is dismissed.



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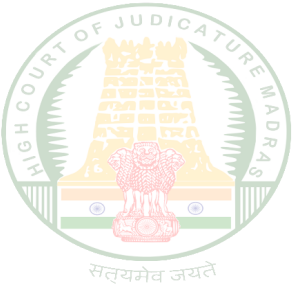
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45. In the result, the Writ Appeal stands dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed.

Index : Yes
NCC : Yes
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[C.V.K., J.] & [R.V., J.]
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C.V.KARTHIKEYAN, J.
and
R.VIJAYAKUMAR, J.

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PRE-DELIVERY JUDGMENT MADE IN
W.A.(MD)No.471 of 2020

22.09.2025