

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.26260 of 2014

Date of Decision : 27.1.2015

Karam Singh

....Petitioner

Versus

State Information Commission and others

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

....

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr.Rohan Sharma, Advocate for
Mr. Vikram Singh, Advocate
for the petitioner.

.....

MAHESH GROVER.J.

The petitioner prays for issuance of a writ in the nature of mandamus directing the respondents No.1 and 2 to initiate penal proceedings against respondent No.3 as the petitioner did not receive the information after a lapse of specific time provided in the Right to Information Act, 2005.

The prayer made in this petition is totally frivolous for the reason that complete mechanism is provided under the Right to Information Act giving right to a person in the eventuality of an information being not supplied, within the stipulated time or

even after a delay. The provision of appeal adequately takes care thereof. The appellate authority is further vested with a power to formulate an opinion to visit penal consequences upon the erring official in the eventuality of formulating such an opinion during the course of decision of the appeal.

No order of the appellate authority has been placed on record. The petition is totally misconceived and sans any justifiable prayer. The Court in exercise of its jurisdiction under Article 226 of the Constitution of India cannot mandate an authority which has been validly vested with the powers of a statute to take a particular course as such dictates by a court would be interference and transgression in the discretion vested in the competent authority by law. The petition is, therefore, dismissed.

27.1.2015
dss

(MAHESH GROVER)
JUDGE