

Sr.No.246

IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

CWP-14980-2013(O&M)

Decided on: 01.03.2016

Ajit SinghPetitioner

vs.

State of Punjab and othersRespondents

Coram: Hon'ble Mr. Justice Mahesh Grover

Present: Mr.K.S.Sidhu, Advocate for the petitioner.
Mr. Anant Kataria, DAG, Punjab.

**

Mahesh Grover, J

The petitioner had sought the following information under the provisions of Right to Information Act:-

1. *Copy of order issued by you, appointment order No. 19/19-83-ESM(S) dt. 07.09.1989 of math teacher;*
2. *Serial No. 243 & Roll No. 4854 of Harbhajan Singh in above said order. Which Category (Quota) is applied by Harbhajan Singh. The copy of the application applied by him;*
3. *Is Harbhajan Singh applies for the seats of handicapped quota? If yes, then, the copy of handicapped certificate and*
4. *In this appointment of new teachers, for handicapped quota, how much percentage of handicapped is required at least necessary."*

In response, thereto, he received Annexure P5 which may also

be extracted here below:-

“ In reference to the above said subject, it is informed with regard to the information required by you under the RTI Act that for the direct recruitment of handicapped quota, the instructions are issued by the department of Welfare Punjab. At present 3% posts are reserved by the direct recruitment for the handicapped. Secretary, Department of Welfare, Punjab may contact for its copy.”

The petitioner then preferred an appeal where he was informed that the hearing would take place on 13.06.2013 and the respondent was at liberty to file his written reply to the complaint made by the petitioner. The matter, however, was disposed off on 13.06.2013. On 13.06.2013 the respondent did not come present and the State Information Commissioner passed a one line order that the information has been supplied to the petitioner thereby disposing off the complaint.

On due consideration of the matter, I am of the opinion that gross injustice has been caused to the petitioner by virtue of the impugned order. There was no response from the respondents regarding the information supplied to the petitioner or atleast the order does not mention so. The information sought by the petitioner when examined in the light of Annexure P5, the response given to him in the first instance is much short of the information sought by the petitioner.

Evidently, the State Information Commissioner failed to apply her mind to the facts of the case and passed an order which can be termed to be cryptic, non speaking and thus, un sustainable in law. The impugned order is,

thus, set aside and the petition is disposed off. The matter is remanded back to the State Information Commissioner, Punjab to look into the entire issue and ensure that the grievance of the petitioner is redressed.

Needful be done as expeditiously as possible preferably within a period of six weeks' from the date of receipt of certified copy of this order.

01.03.2016

mamta

(MAHESH GROVER)

JUDGE