

CWP No. 13558 of 2014

Date of decision:10.05.2016

Dharmender

.....Petitioner

versus

State Information Commissioner, Haryana and others

.....Respondents

CWP No.13813 of 2014

Dharmender

.....Petitioner

versus

State Information Commissioner, Haryana and others

.....Respondents

Coram: Hon'ble Mr.Justice Rakesh Kumar Jain

Present: Mr. R.S.Panghal, Advocate
for the petitioner.

Mr. P.P.Chahar, DAG, Haryana.

Mr. Sandeep Thakan, Advocate
for respondent No. 2.

Rakesh Kumar Jain, J.(Oral)

This order shall dispose of two writ petitions bearing
CWP Nos. 13558 and 13813 of 2014.

However, for the purpose of convenience, the facts are
being extracted from CWP No. 13558 of 2014.

This petition is filed against the order dated 28.05.2014
(Annexure P-9) passed by the State Information Commissioner,
Haryana imposing penalty of ₹ 10,000/- upon the petitioner who is
a Gram Sachiv.

Learned counsel for the petitioner has submitted that the petitioner had never appeared in the Court till he was asked to appear by the BDPO before the State Information Commissioner on his behalf and had never been issued any kind of notice in terms of Section 20(1) proviso of the Right to Information Act, 2005 (for short, 'the Act').

State counsel has fairly conceded that though notice was issued to SPI but no notice was given to the petitioner specially under Section 20(1) proviso before imposing the cost of ₹10,000/- as provided under the Act.

I have heard learned counsel for the parties and perused the available record.

Once it is an admitted fact that notice was not given to the petitioner in terms of Section 20(1) proviso of the Act, the impugned order is totally illegal and is thus, set aside. However, the matter is remanded back to the State Information Commissioner to pass a afresh order after giving show cause notice to the petitioner, if need be, under Section 20(1) proviso of the Act.

Disposed of.

10th May, 2016

Shivani Kaushik

**[Rakesh Kumar Jain]
Judge**