

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

Civil Writ Petition No.13595 of 2016

Date of decision: 27.9.2016

Aseem Takyar

...Petitioner

Versus

State Information Commission, Haryana and others

...Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. John Kumar, Advocate for the petitioner.

Mr. Rohit Arya, Assistant Advocate General, Haryana

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks quashing of order dated 24.9.2015 (Annexure P/6) passed by respondent no.1-Commission to the extent wherein it has been observed that he is not entitled for the information sought at point no.2 (provide list of the beneficiaries during last 'one year') which had been granted by the First Appellate Authority.

It is not disputed that the petitioner had sought information vide his application dated 12.1.2015 (Annexure P/1) regarding the amount which the Chief Minister of Haryana had received under the Chief Minister's Relief Fund. The information was regarding list of beneficiaries, figures of the amount and the list of those citizens whose requests were declined during the last three years. The information was also sought as to what were the reasons for not uploading the information concerning questions no.1 to 4 and to provide information about the likely date to upload the vital information on the 'website'.

Vide order dated 9.4.2015 (Annexure P/4), the First Appellate

Authority directed the appellant to deposit ₹ 1150/- for obtaining the information and the SPIO was also directed to provide information/documents to the appellant as and when documentation fee is received from him.

Aggrieved against the requirement of deposit, the second appeal was filed before respondent no.1-Commission. It is apparent that respondent no.1-Commission was only dealing with the issue whether the petitioner was required to deposit the said amount or not. The information had already been directed to be supplied once the amount was received. The Commission was not hearing any appeal on behalf of respondent-SPIO. As necessary benefit had already been granted to the petitioner, respondent no.1-Commission instead of only restricting itself to the issue in question has further commented upon the permissibility and disclosure of individual recipients of assistance of the Chief Minister Relief Fund. Once the respondent-SPIO or the petitioner was not aggrieved against that part of the order of the First Appellate Authority since the benefit had already been granted, the respondent-Commission could not have adversely decided the appeal of the petitioner in the second appeal which was filed by the petitioner and declined the relief which had already been granted to him by the First Appellate Authority.

In such circumstances aforesaid observations of the Chief Information Commissioner in the impugned order dated 24.9.2015 (Annexure P/6) are not justified and the same are set aside. It is pertinent to notice that issue of deposit of ₹ 1150/- also has been decided in favour of the petitioner and therefore, respondent no.3 shall provide necessary information as has already been directed by the First Appellate Authority

within a period of one month from the date of receipt of certified copy of this order.

Accordingly, the present writ petition is allowed.

September 27, 2016
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No