

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

**CWP No.21909 of 2016
Decided on : 21.10.2016**

Waryam Singh

... Petitioner

Versus

State Information Commission, Haryana & others

... Respondents

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

Present : Mr.Ankit Aggarwal, Advocate, for the petitioner.

G.S. Sandhawalia, J. (Oral)

Petitioner challenges the order dated 16.09.2016 (Annexure P5), passed by the State Information Commission.

A perusal of the said order would go on to show that the Commission had *prima facie* noticed that Shri Satish Kumar, ASI, the then Moharar, Police Station Jathlana and Shri Balbir Singh, ASI, were responsible for the misplacement of the complaint and departmental action had been taken against them, separately but as to what final action has been taken, was not clarified. Resultantly, directions were issued to make point-wise information available within 7 days of the receipt of the order and send compliance report by 28.10.2016. Notice under Section 20(1) of the Right to Information Act, 2005 had also been issued to the SPIO, for imposing penalty for concealing the information and the matter is, now, fixed for 02.11.2016.

Counsel submits that the directions regarding furnishing of the available record are yet to be complied with.

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In the opinion of this Court, since the matter is already fixed before the Commission for proceedings under Section 20(1) and even the compliance report is to be submitted by 28.10.2016, the present writ petition is premature. It will always be open to the petitioner to bring to the notice of the Commission of the non-compliance of its order, which has sufficient powers to enforce its orders.

In such circumstances, the present writ petition is disposed of, being premature, at this stage, with the aforesaid liberty.

OCTOBER 21st, 2016
sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No