

CWP No.2308 of 2016 (O&M)

[1]

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

**CWP No.2308 of 2016 (O&M)
Date of decision:26.04.2016**

Om Parkash Sharma

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Ram Pal Verma, Advocate,
for the petitioner.

Rakesh Kumar Jain, J.

CM No.4289 of 2016

This application is filed under Order 6 Rule 17 read with Section 151 of the CPC seeking permission to amend the head note and the prayer clause of the writ petition.

Since no notice has been issued so far in the writ petition itself, therefore, there is no need to issue notice in this application as well.

After hearing learned counsel for the parties, the application is allowed and the amended petition is taken on record.

CWP-2308-2016

The petitioner is aggrieved against the order dated 26.05.2015 passed by the State Information Commissioner, Haryana.

Counsel for the petitioner has submitted that the respondents have declined to provide the information on the ground that some record has

been burnt. The relevant portion of the order passed by the State Information Commissioner is as under:-

“4. The representative of the SPIO-cum-Land Acquisition Officer, Panchkula present submits that Commission's notice dated 17.03.2015 could not be served upon Sh. M.S. Sangwan, the then respondent SPIO-cum-Land Acquisition Officer, Panchkula since he is under suspension and his whereabouts are not known. He further submits that information available in the records of the office of the LAO has been furnished to the appellant. Balance of the information could not be furnished to him since some of the record was destroyed due to fire in the office on 06.06.2014. He also submits that he will once again search the complete record and furnish the information to the appellant, if found. He prays that case be filed.

5. The case has been considered carefully and record of the case file perused. The Commission observes that available information stands furnished to the appellant. As per RTI Act, 2005 only such information can be furnished which exists in the office record. The Commission further observes that RTI application was filed more than six months prior to the fire incident in the office of the Land Acquisition Officer, Panchkula. The Commission also observes that Sh. M.S.Sangwan failed to respond to the appellant's RTI application within the stipulated time and has also failed to file his reply to the show cause notice. Therefore, the Commission finds Sh. M.S.Sangwan, the then Land Acquisition Officer, Panchkula responsible for delay and liable for penal action.

6. In view of the above, a penalty of Rs.5000/- (Rs. Five Thousand only) is imposed upon Sh. M.S.Sangwan, the then Land Acquisition Officer, Panchkula. The penalty amount shall be deducted from the salary of Sh. M.S.Sangwan, the then Land Acquisition Officer, Panchkula in one installment during the month of September, 2015 and shall be deposited under the Commission's Head of Account “0070-Administrative Services-60-other-receipts-DDO code 0049”. It shall be responsibility of the First Appellant Authority-cum-Additional Director, Urban

CWP No.2308 of 2016 (O&M)

[3]

Estate, Panchkula to ensure that these orders are complied with.
The SPIO shall send compliance report in this regard to the
Commission by 25.10.2015.”

After considering the arguments raised by learned counsel for
the petitioner and the aforesaid finding recorded by the State Information
Commissioner, I do not find any reason to interfere in the present petition
and hence, the same is hereby dismissed.

April 26, 2016
vinod*

(Rakesh Kumar Jain)
Judge