

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

**CWP No.9185 of 2015
Decided on : 18.10.2016**

Desh Raj Whadwa

... Petitioner

Versus

State Information Commission, Haryana & others

... Respondents

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

Present : Mr.Shalender Mohan, Advocate, for the petitioner.

Mr.Rohit Arya, AAG, Haryana.

G.S. Sandhawal, J. (Oral)

Replication, to the written statement filed by the respondents, is taken on record.

Petitioner challenges the order dated 06.08.2014 (Annexure P8), passed by the respondent-Commission whereby it was held that there was no intentional delay on the part of the SPIO (as corrected on 16.09.2014) and therefore, the penal proceedings against the SPIO were dropped. It was noticed that the information has been supplied on 05.06.2014. The appellant had inspected the record and he had given in writing that he had been supplied the information and was satisfied. Shri Diwan Chand Sharma, the then SPIO had brought to the notice of the respondent-Commission that there was no intentional delay on his account and the RTI application was dealt with originally by his predecessor, who was placed under suspension and therefore, he was not at fault and in these circumstances, the show cause notice had been dropped.

It is to be noticed that the directions had been issued on 04-06.03.2014 by the First Appellate Authority to provide the information on the application dated 21.11.2013 (Annexure P1), pertaining to supply of ration card etc. and various details as to deletion/addition etc. in the entries made in the ration cards.

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The defence of the respondent-SPIO was that on 31.03.2014, in compliance with the said order of the First Appellate Authority, the information had been supplied.

The case of the petitioner is that the information had not been attached with the letter which had been sent, which had led to the filing of the second appeal before the respondent-Commission.

It is to be noticed that vide order dated 12.06.2014 (Annexure P7), the respondent-Commission has noticed that the information already stands supplied on 05.06.2014 (Annexure R4) and the petitioner was satisfied, as such. The proceedings, thereafter, had been initiated, while issuing notice under Section 20(1) of the Right to Information Act, 2005 (for short, the '2005 Act'), which have, now, been disposed of vide order dated 06.08.2014 (Annexure P8), duly corrected on 16.09.2014.

Under Section 20 of the 2005 Act, the respondent-Commission had to come to the conclusion that there was a *mala fide* denial, as such, or somebody had given incorrect/incomplete/misleading information on account of which, penalty had to be imposed. It has been noticed that the earlier officer had been placed under suspension and therefore, proceedings against the subsequent SPIO were, accordingly, dropped. In such circumstances, this Court is of the opinion that the order dated 06.08.2014 (Annexure P8), as such, does not suffer from any infirmity which would warrant interference under Article 226 of the Constitution of India. Consequently, the present writ petition is, hereby, dismissed.

(G.S. SANDHAWALIA)
JUDGE

OCTOBER 18th, 2016
sailesh

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No