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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 6301/2012 & C.M.No.16851/2012**

NAVIN VERMA

..... Petitioner

Through

Mr.Dinesh K.Puchnanda, Advocate
for Mr.Ajay Arora, Advocate.

versus

HARISH KUMAR

..... Respondent

Through

None

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Date of Decision: 28th January, 2016

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J: (Oral)

1. Learned counsel for the petitioner prays for an adjournment on the ground that Mr.Ajay Arora, main arguing counsel for the petitioner is not available.

2. This Court finds that the present matter has been repeatedly adjourned on one pretext or the other. Even the respondent has never appeared despite service. Consequently, the request for adjournment is declined.

3. It is pertinent to mention that the present writ petition has been filed challenging the order dated 15th June, 2012 passed by the Central Information Commission (CIC), whereby penalty of Rs.25,000/- was imposed upon the petitioner who is Chief Engineer, South Zone, South Delhi Municipal Corporation. The CIC saddled the petitioner with the penalty of Rs.25,000/- on the ground of delay in providing the

information sought by the respondent as also on the ground that fee was sought from the respondent to supply the information.

4. A perusal of the paper book reveals that it is the petitioner's case that he was not the concerned PIO at the relevant time when the information was sought. In fact, it is averred in the petition that the petitioner within four days of assuming charge on 10th October, 2011, supplied the requisite information to the respondent.

5. It has also been averred in the writ petition that the information sought to be supplied was not conditional on fees being paid. The respondent was only intimated that, since a voluminous set of documents had to be supplied, fee would have to be paid at the time when the documents would be supplied to the respondent.

6. This Court while granting ex parte ad-interim stay on 3rd October, 2012, had also observed that the concerned PIO at the relevant time i.e. SE-I, Delhi, Mr. Dalip Ramnani had been saddled with the penalty of Rs.25,000/- on account of delay in furnishing the information and the said penalty had already been deducted from his salary.

7. Keeping in view the aforesaid, this Court is of the view that the findings of fact in the impugned order are perverse and contrary to record. Consequently, the impugned order dated 15th June, 2012 passed by the CIC is set aside. With the aforesaid directions, the present writ petition and the application are disposed of.

MANMOHAN, J

JANUARY 28, 2016
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