NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No.1167 of 2017

- Dinesh Kumar Sahu S/o Tesu Ram Sahu, Aged About 36 Years R/o Village And Post : Kondagaon, Tahsil & District Kanker (Chhattisgarh).

---- Petitioner

Versus

1. Chhattisgarh Rajya Suchna Aayog Raipur, Through : Secretary, Indravati Khand, First Floor, Shastri Chowk, G. E. Road, Raipur, District Raipur (Chhattisgarh).

2. Second Appellate Authority And State Information Commissioner, Raipur, Indravati Khand, First Floor, Shastri Chowk, G. E. Road, Raipur, District Raipur (Chhattisgarh).

3. First Appellate Authority/ District Food Officer, (Food Department), Uttar Bastar Kanker, District : Kanker (Chhattisgarh).

4. The Jan Suchna Adhikari Awam The President, Padna Badna Mahila Swa Sahayata Samuh, Kondagaon, Tahsil Kanker, District Kanker (Chhattisgarh).

---- Respondents

For Petitioner : Shri P. K. Patel, Advocate
For Respondent/State : Shri Manish Nigam, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27/04/2017

1. Heard on admission.

2. This petition is filed against the order dated 24/01/2017 passed by the State Information Commissioner, by which, while enforcing the right of seeking information from Women Self Help Group, the case has been disposed off without imposing any penalty under Section 20 of the Right to Information Act, 2005 (For short “the Act of 2005”).

3. Learned counsel for the petitioner submits that in the facts and circumstances of the case, as the Information Commission was satisfied that there was lapse on the part of the Information Officer in providing information to the petitioner, therefore, appropriate penalty under Section 20 of the Act of 2005 is mandatory.

4. It has been noticed that information was sought from a Women Self Help Group

engaged in imparting education. The reason assigned by the Information Commission for not imposing penalty was that Women Self Help Group is financially poor and therefore, looking to the poor financial condition, it has not imposed penalty. Keeping the aforesaid facts and circumstances on record, I also find that this is not a fit case for invoking jurisdiction to impose penalty on the concerned Women Self Help Group.

5. Accordingly, the petition is dismissed.

SD/-

(**Manindra Mohan Shrivastava**)

Judge

Tumane