

CWP-21024-2016

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

103

CWP-21024-2016.

Decided on: January 12, 2017.

Mahinder Singh

.. Petitioner(s)

VERSUS

State of Punjab and others

.. Respondent(s)

*** * ***

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

*** * ***

**PRESENT Mr.S.K.Bawa, Advocate,
for the petitioner.**

M.M.S. BEDI, J. (ORAL)

Petitioner claims that he had some dispute with his neighbour Gurjit Singh on account of which he had filed a complaint against his neighbour on 3.3.2015. Another complaint at Police Helpline No.181 was registered vide complaint bearing CT-608589 dated 10.4.2015. Petitioner claims that said complaint was marked to Police Station, Slem Tabri, Ludhiana, but no action was taken as such, he filed an application before the State Public Information Officer deputed for said purpose as well as the State Information Commissioner but no response was received despite number of reminders.

Petitioner received a communication Annexure P5, to appear in person. The petitioner had received the information to the effect

that the application of the petitioner has either been lost or had been misplaced, as such, a direction was given by the Chief Information Commissioner. As no information was supplied by respondent no.5 Didar Singh, as such, petitioner opted to file an appeal under Section 19 of the Right to Information Act, 2005, before the Chief Information Commissioner, Punjab, who while deciding the appeal on 14.6.2016, observed that an inquiry into the complaint is pending with the Commissioner of Police, Ludhiana. As such Chief Information Commissioner had issued a direction to the ACP Central, Ludhiana, to provide copy of enquiry report to the petitioner as soon as the enquiry was finalised. A liberty was given to the petitioner to file a fresh application with the concerned Department, if he did not receive the copy of enquiry report, as such, the complaint of the petitioner was closed. A report of SHO, Police Station, Slem Tabri, Ludhiana, dated 15.10.2015, appears to have been prepared, a copy of which has been placed on record as Annexure P9 which indicate that during enquiry it was found that no offence had been committed by accused person Gurjit Singh.

This petition has been filed by the petitioner for a direction to pay compensation to him on account of delay suffered by him in adjudication of his claim by the authorities under the Right to Information Act.

I have heard the counsel for the petitioner. The relevant provision for grant of compensation is contained in Section 19 Clause 8 sub-clause (b), of the Right to Information Act which reads as follows:

“19. Appeal.—

(8) In its decision, the Central Information Commission or State Information Commission, as the case may be, has the power to—

(a) xxx xxx xxx

(b) require the public authority to compensate the complainant for any loss or other detriment suffered.”

A perusal of the above said direction indicates that State Information Commissioner has got an authority to pass order for grant of compensation but before granting the said compensation, the matter is to be considered objectively, specifically taking into consideration if the complainant has suffered any loss or other detriment which would warrant grant of compensation. It is not mandatory that in every case of delay, the Commissioner would be required to order compensation. For the grant of compensation, it would be required on the part of the complainant to show that on account of breach of obligation by the Public authority, he had suffered any loss. The complaint of the petitioner had been finally decided and found to be false against his neighbour. The delay in supply of the information has not caused any loss and the petitioner has not been able to substantiate the any detriment suffered by him. The powers granted under a Statute cannot be used as a hammer to swat a fly. Besides this, the concerned person has already been dealt with and punished at department level. Passing an order against him to pay compensation will also tantamount to punishing him twice for the same fault.

No ground is made out to interfere in the exercise of writ

CWP-21024-2016

jurisdiction. The petition is dismissed

(M.M.S. BEDI)
JUDGE

January 12, 2017.

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Whether speaking / reasoned
Whether reportable:

Yes / No
Yes / No