

CWP-2068-2017

Date of Decision : 03.02.2017

State Public Information Officer cum Secretary

.....Petitioner

versus

Krishan Kumar and others

....Respondents

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. Padamkant Dwivedi, Advocate
for the petitioner.**M.M.S. BEDI, JUDGE (ORAL)**

Petitioner claims that the information had been supplied expeditiously but the delay in furnishing of the information has been used to penalize the petitioner to pay a penalty of Rs. 10,000/-.

Learned counsel for the petitioner submits that there has not been any delay.

I have gone through the order. A perusal of the order indicates that no observation has been made in the order that on account of delay, any prejudice was caused to respondent No. 1. The provisions of Section 19 (8) (b) and (c) provide that the public authority can be required to compensate the complainant for any loss or other detriment suffered or could be imposed penalty. Applying the principle of *ejusdem generis* of sub clause (c), it can be implied that the penalty can

also be imposed, in case on account of delay in furnishing information, similar loss or detriment has been suffered.

The order passed by the State Information Commissioner, Haryana appears to be a harsh order, therefore, the order of imposition of penalty is hereby set aside.

The petition is allowed.

(M.M.S. BEDI)
JUDGE

03.02.2017
Neha

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No