

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 498 of 2017

Riyazuddin Khan S/o Shri S. D. Khan, Aged About 62 Years R/o Office Of Deputy Director, Agriculture, Gariyaband, Police Station, Tahsil And District Gariyaband, Chhattisgarh.

---- Appellant

Versus

1. Krishna Kumar Saini S/o Shri Roshan Lal Saini, Aged About 42 Years R/o Arihant Colony, Ward No. 1, Gobra Nawapara, Tahsil Abhanpur, District Raipur, Chhattisgarh.
2. State Information Commission Through Its Chief Information Commissioner, First Floor Indrawati Block, Shastri Chowk, Raipur, District Raipur, Chhattisgarh.
3. State Of Chhattisgarh, Through Is Secretary, Agriculture, Department, Mahanadi Bhawan, Village- Rakhi New Raipur, District Raipur, Chhattisgarh.,
4. Director, Agriculture Department, Labhandi Raipur, District Raipur, Chhattisgarh.
5. First Appellate Officer/ Joint Director, Agriculture Division, Raipur, District Raipur, Chhattisgarh.
6. Public Information Officer/ Deputy Director, Agriculture Department, Gariyaband, District Gariyaband, Chhattisgarh.

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For Appellant	:	Shri Abhishek Pandey, Advocate
For State	:	Shri R.K. Gupta, Dy.A.G.

**D.B. Hon'ble Shri Justice Manindra Mohan Shrivastava &
Hon'ble Shri Justice Sharad Kumar Gupta**

Order On Board

27/03/2018

1. Heard on IA No.1, application for condonation of delay in filing the writ

appeal.

2. Earlier, the application for condonation of delay in filing the appeal was rejected though with liberty to file proper application. This time, a fresh application has been filed by the appellant seeking to explain the delay on the cause that though he was party in the case, when order was passed, he was not represented and therefore, for this reason, he could not come to know about the order immediately, which resulted in filing of appeal after about 53 days.
3. Taking into consideration the said ground urged in the application, at this stage now we are inclined to condone the delay in filing the appeal. Accordingly, the application (IA No.1) is allowed. Delay in filing the appeal is condoned.
4. We have also examined the matter on merits. We find that the order passed by the State Information Commission (in short "*the Commission*") has been set aside by the learned Single Judge taking into consideration that the Commission has abdicated its statutory duty of holding enquiry as contemplated under Section 20 of the Right to Information Act, 2005 (in short "*the Act*"). Having gone through the contents of the order, we do not find any reason to interfere with the order because the order passed by the Commission does not show that the enquiry as contemplated under Section 20 of the Act was made by either imposing a penalty or an order in the nature as contemplated under Section 20 (2) of the Act. We also take note of the submission of learned counsel for the appellant that the Commission could not have issued such a direction, though he has not filed any appeal.
5. In view of the above consideration, the writ appeal is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Sharad Kumar Gupta)
Judge