

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
202/2**

CWP-15937-2013 (O&M)

Date of decision: 06.07.2018

Kuldeep Singh Khaira

...PETITIONER

Vs.

Central Information Commission and others

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sardavinder Goyal, Advocate,
for the petitioner.

Mr. Rajbirinder Singh Chahal, Addl.A.G. Punjab,
for the State.

Mr. Manpreet Singh Longia, Advocate,
for respondents No. 2 and 3.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court challenging the order dated 13.06.2013 (Annexure P-8) passed by the Chief Information Commissioner disposing of the complaint/second appeal of the petitioner merely on the ground that CWP No. 4082 of 2010 titled as Shiromani Gurudwara Parbandhak Committtee vs. State of Punjab and others and the order of the State Information Commission had been stayed by this Court.

As is apparent from the order dated 14.03.2011, wherein it was clarified by this Court that the interim order dated 09.03.2010 passed in CWP No. 4082 of 2010, which was initially passed, was applicable only qua the impugned orders in that writ petition and not to any other case and that the State Information Commissioner shall be at liberty to proceed with the other pending cases and pass appropriate orders in accordance with law, the order dated 13.06.2013 (Annexure P-8) cannot sustain.

It may be added here that it is a conceded position as far as the SGPC is concerned that it is a creation of a Statute and, therefore, would be covered under Section 2 (h) of the Right to Information Act, 2005 and thus, amenable to the information sought under the Right to Information Act. However, if it has any justification for the denial of the information, as has been sought by the petitioner, it will be open to the respondent-SGPC to take the said pleas before the Appellate Authority, which shall, thereafter, consider the same and decide, in accordance with law, depending upon the facts and circumstances of the case.

The order dated 13.06.2013 (Annexure P-8) is, hereby, set aside. The parties are directed to appear before the Chief Information Commissioner on 24.07.2018. Thereafter, the Chief Information Commissioner shall proceed in the matter in accordance with law.

Writ petition stands disposed of accordingly.

July 06, 2018

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No