

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP 11626/2018

Date of decision:22.05.2018.

Sukhdev Singh

.....Petitioner

v.

The State Information Commission and others

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.Gaurav Gaur,Advocate for the petitioner

Jaswant Singh,J,(Oral).

Petitioner, by way of this writ petition, has prayed for a writ of certiorari for quashing of order dated 12.1.2018 (Annexure P-6) passed by the State Information Commission,Chandigarh as also to grant him compensation as per Section 20 of the Right to Information Act,2005 (for short the Act).

Heard learned counsel and perused the paper book.

It is not disputed that that petitioner was supplied with the information sought for, however, he is aggrieved by the fact that penal proceedings against the SPIO were dropped by the State Information Commission in view of verbal apology tendered by SPIO.

From the reading of the impugned order dated 12.1.2018, it is apparent that show cause notice under Section 20(1) of the Act was issued to the SPIO, who explained the reasons for delay in providing the requisite information as also tendered verbal apology for the said delay. The Commission, after considering the matter in its entirety dropped penal

proceedings in view of decision of this Court in **State of Punjab and others v State Information Commissioner and another,2010(4) RCR (Civil)774 (P&H)**, whereby it was held that penalty provision under Section 20 is only to sensitize the public authorities that they should act with all due alacrity and not hold up information which a person seeks to obtain. It was further held therein that it is not every delay that should be visited with penalty. If there is a delay and it is explained, the question will only revolve on whether the explanation is acceptable or not.

In view of the above, I find no ground to issue a writ as prayed for.

Dismissed.

22.05.2018
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No