

CWP-1843-2015

IN THE HIGH COURT OF PUNJAB AND Punjab AT
CHANDIGARH

CWP-1843-2015

Date of Decision: 28th September, 2018

Managing Committee, Guru Gobind Singh College, Sanghera

...Petitioner

Versus

The State Information Commission & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Pawan Kumar, Senior Advocate with
Mr. Gaurav Aggarwal, Advocate
for the petitioner.

Mr. Rajbirinder Singh Chahal, Addl. A.G. Punjab.

Mr. H.C. Arora, Advocate
for respondent No.3.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this writ petition is to the order dated 18.11.2014 passed by the State Information Commission, Punjab, (Annexure P-10), vide which, the appeal preferred by respondent No.3-Davinder Singh, has been allowed.

Learned senior counsel for the petitioner contends that the application under the Right to Information Act, 2005 (hereinafter referred to as 'RTI Act') was not available with the petitioner and on 18.11.2014, when the appeal was taken up for hearing, copy of the application under the RTI Act, which is alleged to have been submitted by respondent No.3, was made available. Without giving an opportunity to the petitioner to respond to the

said application, the State Information Commission, Punjab, has proceeded to decide the appeal and that too, on the statement of the counsel for the appellant that some incomplete information has been supplied by the petitioner and thereafter, direction was issued that complete information is being directed to be supplied to respondent No.3 by the petitioner within a period of 30 days. Counsel, therefore, submits that the order passed by the Appellate Authority is not in consonance with the statutory provisions and the rules governing the RTI Act and the matter has not been considered and decided, after an enquiry.

Learned counsel for respondent No.3 has supported the order dated 18.11.2014 passed by the State Information Commission by asserting that the application under the RTI Act, as submitted by respondent No.3, was very much available with the petitioner but some incomplete information was supplied to respondent No.3 and not the complete information, as has actually been recorded by the State Information Commission, Punjab, while deciding the appeal.

I have considered the submissions made by the learned counsel for the parties and on going through the impugned order dated 18.11.2014, it is apparent that the State Information Commission has not given proper opportunity to the petitioner to respond to the document i.e. the application under the RTI Act, which was supplied on the date when the order was passed. The order, it appears, has been passed in haste without fulfilling the mandate of the provisions of natural justice, which would require the parties to give a fair chance to project their respective claims before the authority.

CWP-1843-2015

The order impugned is also not a speaking order and therefore, cannot pass the test of reasonableness.

Without further commenting upon the impugned order, the said order is set aside. The appeal is ordered to be decided afresh by the State Information Commission, Punjab, by giving reasonable opportunities to both the parties as per the provisions of the RTI Act/Rules, expeditiously.

Let the parties appear before the State Information Commission, Punjab, on 31.10.2018.

28th September, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No