

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.1951 of 2017(O&M) in
CWP No.22415 of 2016
Date of Decision: 6.3.2018

Gurdial Sharma

..... Appellant

versus

Union of India & ors.

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE B.S.WALIA

Present: None for the appellant.

B.S.WALIA, J.

1. Intra-court appeal has been filled against the order dated 5.4.2017 passed by the Writ court in CWP No.22415 of 2016.

2. None was present on behalf of the appellant despite the case having been called out twice i.e. in the pre-lunch session as well as post lunch session. Even on the earlier dates, none had appeared on the behalf of the appellant either on 15.01.2018 or 14.12.2017. Apparently the appellant is not interested in prosecuting the appeal.

3. Perusal of the order of the learned Writ Court reveals that the writ petition was filed seeking a writ in the nature of mandamus directing the respondents to provide information under the Right to Information Act, 2005 (hereinafter referred to as the 'Act'). Apparently the appellant filed a representation to the President of India, New Delhi complaining about the functioning of the Central Information Commission, New Delhi. The Writ Court took into account

that the grievance of the appellant-petitioner was that neither his representations were presented before worthy President of India nor comments were sought by the President's Secretariat from the Central Information Commission on the representations which took 48 months and 27 months respectively to decide.

4. The appellant-petitioner had filed complaint dated 26.2.2013 to the President of India, New Delhi giving reference of informations sought by him on six accounts complaining that the same had not been supplied to him. Thereafter, communication dated 19.4.2014 (Annexure P2) was sent by the appellant-petitioner in continuation to original letter dated 26.2.2013. The RTI office informed the appellant-petitioner of the status of his complaints dated 26.2.2013 and 30.4.2014 advising him that he may avail the remedy of approaching the Appellate Authority, in case some information was required by him. Thereafter, the appellant-petitioner filed an appeal before the Central Information Commission seeking information pertaining to his representations dated 26.2.2013 and 19.4.2014 addressed to the President of India. The appeal was disposed of by informing the appellant-petitioner about the status of his representations dated 26.2.2013 and 19.4.2014.

5. The learned Writ Court while observing that as far as his representations dated 26.2.2013 and 19.4.2014 were concerned as had been submitted in the office of President of India, the same had been dealt with and the information pertaining to said representations had been supplied to the appellant-petitioner by the Central Information Commission and in the circumstances, no further action was necessary. As regards the other reliefs, the learned Writ Court held that it would always be open to the appellant-petitioner to file separate appeals against the orders passed by the Public Information Officers of different

departments or the order passed by the State Information Commission.

6. Having considered the matter in the aforesaid background, we are of the view that no further orders are called for. Accordingly, the appeal is dismissed. Consequently, the application seeking condonation of delay of 80 days in refiling the appeal is also dismissed.

(RAJESH BINDAL)
JUDGE

(B.S.WALIA)
JUDGE

March 06, 2018

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