

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

105

**CIVIL WRIT PETITION NO.8869 OF 2019
DATE OF DECISION: APRIL 02, 2019**

Ram Kumar

.....Petitioner

VERSUS

Union of India and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Ferry Sofat, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court with a grievance that the second appeal, which has been preferred by him, was disposed of by the Central Information Commission by passing the following order on 20.04.2017:-

“Keeping in view the facts of the case and the documents available on record the Commission directs the FAA, an authority superior to the CPIO, to re-examine each point of the First Appeal, following the procedure laid down under Section 11 of the RTI Act, 2005 and pass a speaking order within a period of 30 days from the date of receipt of this order. It was further observed that the CPIO had not acted in accordance with the provisions of the RTI Act, 2005 and therefore is advised to be alert and cautious in the implementation of the

RTI Act, 2005 with due diligence and care.

The Appeal stands disposed with the above direction.”

In pursuance of the said decision, order dated 25.05.2017 (Annexure P-5) has been passed by the Ist Appellate Authority, which, according to the petitioner, is not in consonance with the directions, which have been issued by the Central Information Commission in its order dated 20.04.2017 (Annexure P-4). Petitioner, being aggrieved by the action of the Ist Appellate Authority, filed an application for revival of the appeal with a prayer for decision on merits of the appeal, which had been earlier disposed of by the Central Information Commission. The said application dated 06.06.2017 is appended as Annexure P-6. The grievance of the petitioner is that the said application, despite a representation dated 20.09.2018 (Annexure P-7), having been submitted to the Central Information Commission, has not led to even fixing a date for disposal of the application as well as the appeal. Counsel, thus, contends that the petitioner, at this stage would be satisfied if a direction is issued to the Central Information Commission-respondent No.2 to fix a date in the application dated 06.06.2017 (Annexure P-6) and decide the same in accordance with law.

Notice of motion to respondents 1 and 2 only.

At this stage, Mr.O.P.Dabla, Advocate, senior counsel for Union of India puts in appearance and accepts notice on behalf of respondent Nos.1 and 2.

In the light of the submissions made by counsel for the petitioner and without commenting upon the merits of the case, the present petition is disposed of with directions to the Central Information Commission-respondent No.2 to consider and decide the application dated

06.06.2017 (Annexure P-6) in accordance with law by fixing a date therein after hearing the petitioner or his counsel at an early date. The date for hearing of the application be fixed not beyond a period of four weeks from today.

April 02, 2019
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

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