

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

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Civil Writ Petition No.10015 of 2019
Date of Decision: May 7th, 2019

Bharat Bhushan

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Gaurav Khera, Advocate
for the petitioner.

AUGUSTINE GEORGE MASI, J. (ORAL)

Petitioner has approached this Court challenging the order dated 18.12.2018 (Annexure P-1) passed by the State Information Commissioner, Haryana, whereby for not supplying the information to applicant-respondent No.4-Parhlad Singh Solanki about the fate of his application nor supplying any information to him within the time stipulated led to the imposition of penalty of ₹25,000/-.

2. It is the contention of learned counsel for the petitioner that the information which has been sought by applicant-respondent No.4-Parhlad Singh Solanki was not in possession of the petitioner. He contends that as the said information was not in his possession, he could not provide the information within the time stipulated. His further contention is that he had informed the applicant vide communication dated 31.01.2017 (Annexure P-3) that the claim of the applicant is under consideration and as and when an appropriate decision is taken, he would be duly informed. He, therefore, contends that the petitioner cannot be held liable for the delay and the penalty which has been imposed upon him cannot sustain and deserves to be set aside.

3. I have considered the submissions made by learned counsel for

the petitioner and with his assistance, have gone through the records of the case.

4. It is not in dispute that the petitioner, at the relevant time, was the SPIO-cum-Superintendent, office of the Labour Branch at Haryana, Civil Secretariat, Chandigarh. It is also not in dispute that the information which has been sought under the Right to Information Act by respondent No.4 pertains to the department of which the petitioner was the SPIO. Merely because the said information was not in his possession would not absolve him of the responsibility which has been imposed upon him under the Right to Information Act. The time which has been stipulated under the Right to Information Act is 30 days and the said information till that date was not supplied to the applicant. No decision on the application of applicant-respondent No.4 has been taken and conveyed to him within the time stipulated. An effort has been made by the counsel for the petitioner to assert that the information, which has been sought, pertains to a criminal case which was sub-judice but this plea cannot be accepted in the light of the fact that the information which has been sought under the Right to Information Act, if not to be supplied, should have been responded to within the time stipulated. That being so, the penalty as imposed by the State Information Commission, Haryana, being in accordance with law, do not call for any interference by this Court in exercise of its extraordinary writ jurisdiction.

5. In view of the above, the present petition stands dismissed being devoid of merit.

May 7th, 2019

Puneet

(AUGUSTINE GEORGE MASIH)

JUDGE

Whether speaking/reasoned:

Yes

Whether Reportable:

No