

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

Civil Writ Petition No.20432 of 2018

Date of Decision: February 25th, 2019

Pardeep Kumar

...Petitioner

Versus

S.S. Channy and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Petitioner in person.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner, who appears in person, has approached this Court under Article 226 of the Constitution of India being aggrieved by the orders passed by the Deputy Registrar, Punjab State Information Commission, whereby the appeal/complaint dated 03.01.2018 questioning the intimation given by the Public Information Officer, office of the President of India, New Delhi, not supplying the information as sought by the petitioner under the Right to Information Act, 2005, informing him that the appeal/complaint, which has been preferred by the petitioner, does not fall within the jurisdiction of the Punjab State Information Commission for adjudication under the Right to Information Act and accordingly it was returned vide order dated 09.01.2018, which was resubmitted by the petitioner on 26.02.2018, which was again returned to him intimating that the office of the President of India does not fall in the jurisdiction of this Commission for adjudication under the Right to Information Act. This communication dated 14.03.2018 sent by the Deputy Registrar was issued with the approval of the Chief Information Commissioner, Punjab.

2. When this petition was filed on 23.07.2018, Registry had raised objection on 24.07.2018. Reply to the same was submitted by the petitioner

removed and, therefore, the same were pointed out to him on the same date, to which he responded on 13.08.2018 and re-filed the writ petition on the said date, wherein he had made a request that the matter be up before the Bench as it is.

3. The case was ultimately listed on 17.08.2018, when the petitioner did not appear and the case was adjourned to 05.09.2018. On the said date, petitioner stated before the Court that he would remove the objections as have been raised by the Registry. The case was adjourned to 27.09.2018. On the said date, petitioner appeared before the Court and stated that he had filed documents in the Registry for removal of objections but the same were not on record and, therefore, prayed for an adjournment to verify from the Registry as to the fate of the documents, which he stated to have submitted on 17.09.2018. Case was adjourned to 16.10.2018 as requested, on which date petitioner did not appear and the Registry reported that instead of removing the objections, petitioner had filed certain other documents through post, which are not in consonance with the High Court Rules and Orders as proper application was required to be filed along with the documents. Court directed the petitioner to be informed of the next date i.e. 23.01.2019, on which date again the petitioner having been although informed of the date fixed, did not come present when following order was passed:-

“As per the report of the Registry, in compliance with the order dated 16.10.2018 passed by this Court, the petitioner has been informed vide letter dated 01.11.2018 about the date fixed.

Petitioner, who appears in person, is not present.

Registry has further intimated in its note dated 12.10.2018 that the objections as raised by it have not been

removed and instead certain documents have been sent by the petitioner, which have been perused by this Court but the same does not fulfill the requirements of the High Court Rules and Orders. However, one more opportunity is granted to the petitioner to remove the objections as have been raised by the Registry.

*Hearing of the case is deferred to **25.02.2019.**”*

4. Today again the petitioner has appeared in person and he has been asked to remove the objections, which have been raised by the Registry, on which the petitioner had insisted that he had already complied with the requirement of the High Court Rules and Orders. However, not insisting upon the same, the Court had put forth a query to the petitioner as to what was the information which he had sought from the office of the President of India as no document has been placed on record to indicate the same nor has the order passed by the Public Information Officer, office of the President of India, whereby the information sought by the petitioner had been declined or rejected been placed on record.

5. Petitioner has insisted upon arguing the case as it is without complying with the direction of this Court. Without the basic information being available on record, it was not possible for the Court to adjudicate upon the communications dated 09.01.2018 and 14.03.2018 which have been conveyed by the Deputy Registrar, Punjab State Information Commission intimating the petitioner that the office of the President of India does not fall in the jurisdiction of the Commission for adjudication under the Right to Information Act and, therefore, the appeal/complaint could not be entertained.

6. Further nothing has been mentioned with regard to the fact as to whether the petitioner had, after the rejection of his application under the

Right to Information Act by the Public Information Officer office of the President of India, preferred any appeal or not or he has straightway approached the Punjab State Information Commission. In these circumstances, this Court had no option but to dismiss the writ petition as the petitioner is not ready to comply with any of the directions of this Court, what to say of removing the objections as raised by the Registry.

7. The writ petition, therefore, stands dismissed for the reasons stated above.

February 25th, 2019

Puneet

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No