

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

103

CIVIL WRIT PETITION NO.22233 OF 2019
DATE OF DECISION: AUGUST 22, 2019

Naresh Kumar

.....Petitioner

VERSUS

State Information Commission, Chandigarh, and others

....Respondents

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

Present: Mr. Daya Nand Gautam, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court impugning the order dated 03.10.2018 (Annexure P-12) passed by the State Information Commission, Haryana, vide which penalty of ₹10,000/- has been imposed upon him and the same has been ordered to be deducted from his salary.

It is the contention of learned counsel for the petitioner that an application under the Right to Information Act was filed by Anita Siwach wife of Subhash Chander Siwach-respondent No.6 on 26.02.2018. The said application was transferred to the Clerk, office of Block Elementary Education Officer, Bhiwani. The said Clerk did not take any action and rather went on long leave. On 17.04.2018, information relating to point No. (i) of the RTI application of applicant (respondent No.6) was transferred to Block Elementary Education Officer, Bhiwani, vide office letter dated 17.04.2018. It is after the receipt of the said information that the information

was duly supplied to respondent No.6. As regards point No.(ii), it has been asserted by counsel for the petitioner that a communication dated 10.04.2018 was sent to respondent No.6 for providing him copies of the letters/complaints in relation to which information was being sought by her. He contends that the said complaints were never supplied to the petitioner. Instead of supplying the said applications, appeal was preferred by respondent No.6 before the Ist Appellate Authority. The Ist Appellate Authority also did not order supply of the said complaints. The State Information Commission has wrongly proceeded to hold the petitioner liable for non-supply of the information on point No.(ii) and has imposed penalty amounting to ₹10,000/-, which is unsustainable.

I have considered the submissions made by learned counsel for the petitioner and with his assistance have gone through the impugned order dated 03.10.2018 (Annexure P-12).

As per the admitted position, application under the Right to Information Act was submitted by respondent No.6 on 26.02.2018 (Annexure P-2), which was received in his office on the same day. The first response on the part of the petitioner relating to point No.(ii) was on 10.04.2018, which is much beyond the period of one month within which the information as sought was required to be submitted by the petitioner. The very conduct of the petitioner clearly shows inaction on his part in complying with the provisions of the Right to Information Act. Qua point No.(i) also, the application was transferred to the Block Elementary Education Officer, Bhiwani, on 17.04.2018, which action is again beyond the period of 30 days as prescribed, within which the information was to be provided to the applicant (respondent No.6). This initial response of the

petitioner itself indicates inaction on his part.

As regards the contention of learned counsel for the petitioner that on point No.(ii), the information could not be supplied because of non-furnishing of complaints by respondent No.6, suffice it to say that the Appellate Authority also has come to a conclusion that this was not required to be supplied to him. The onus was on the petitioner to collect the information from his office and on getting that information to supply the same to respondent No.6. Because of inaction on the part of the petitioner, the said information was not supplied to respondent No.6.

The order as passed by the State Information Commission, Haryana, dated 03.10.2018 (Annexure P-12) cannot be faulted with as the petitioner has not only been negligent but had delayed the process of supplying information to respondent No.6. The order as passed by the State Information Commission being in accordance with law does not call for any interference in the given facts and circumstances of the case.

The writ petition, therefore, stands dismissed.

August 22, 2019
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(AUGUSTINE GEORGE MASIH)
JUDGE

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