

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPC No. 1151 of 2020**

1. Atul Kumar Malwe, S/o Late Shri B.G. Malwe, Aged About 53 Years, Presently Working As- Incharge, Superintendent- Engineer, Office Of E In C, P.H.E.D. Indravati Bhawan, Naya Raipur, District- Raipur Chhattisgarh.

Permanent R/o 501/A, Sindhiya Nagar, Durg, District : Raipur, Chhattisgarh

**---- Petitioner**

**Versus**

1. Chhattisgarh State- Information Commission, Through- Secretary, Sector-19, North Block, Nava Raipur Atal Nagar, District : Raipur, Chhattisgarh
2. Engineer-In-Chief, Public Health Engineering Department, Office Of E In C, P.H.E.D., Indravati Bhawan, Naya Raipur, District : Raipur, Chhattisgarh
3. Public Information Officer, Office Of E In C, P.H.E.D., Indravati Bhawan, Naya Raipur, District : Raipur, Chhattisgarh
4. Sarvjeet Sen, Somya Stationery, Opp.- Dr. Radha Bai Government- Girls College, Mathpuraina, Raipur, District : Raipur, Chhattisgarh

**---Respondents**

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|-----------------|------------------------------------------|
| For Petitioner  | : Mr. Govind Dewangan, Advocate          |
| For State       | : Mr. Sudeep Agrawal, Dy. Adv. General   |
| For Respondents | : Mr. Shyam Sundar Lal Tekchandani, Adv. |

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**Hon'ble Shri Justice P. Sam Koshy**  
**Order on Board**

**22.06.2020**

1. The challenge in the present writ petition is to the order passed by the Respondent No. 1 dated 31.10.2019 (Annexure P-1), whereby the Respondent No. 1 has penalized the petitioner under the

provision of the Right to Information Act, 2005 with fine of Rs. 10,000/-.

2. The primary contention of the counsel for the petitioner is that he had appeared before the Commission and had specifically brought documents to the notice of the Respondent No. 1-commission that petitioner was not responsible for the act for which he has been penalized. That the petitioner in fact had been relieved from the project of Solid Waste Management Department on 04.11.2016 itself, whereas the applicants's application was received by the department on 18.05.2017 when the petitioner was not posted in the department.
3. According to the counsel for the petitioner, this submission of the petitioner and the document enclosed along with the reply, has not been properly appreciated by the Respondent No. 1-Commission rather the commission has taken a stand that the petitioner was working in the project of Solid Waste Management Department since 04.11.2016 which is in fact the other way round, he was there only till 4-112016.
4. This submission of the learned counsel for the petitioner, is a fact which needs reconsideration by the Respondent No. 1 and that in the impugned order, this fact has not been properly dealt with.
5. Given the said facts, this Court is of the opinion that the impugned order Annexure P-1 dated 31.10.2019 passed in Compliant Case No. C/1100/2017/Raipur is not sustainable and the same stands set-aside/quashed. The matter stands remanded back to the

commission for re-appreciating the reply that the petitioner has submitted and to pass a fresh order on merits.

6. The writ petition, accordingly stands allowed and disposed off.

**Sd/-**  
**(P. Sam Koshy)**  
**Judge**