

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

CWP No. 18339 of 2020
Date of decision: 03.11.2020

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Mahavir Singh

....Petitioner(s)

Versus

State of Haryana and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Sunil Sihag, Advocate,
for the petitioner.

(Proceedings are conducted through video
conferencing as per instructions).

G.S.SANDHAWALIA, J. (Oral)

The petitioner, in a petition filed under Articles 226 and 227 of the Constitution of India, seeks directions to the respondents to provide the copy of the inquiry report conducted by Sh. R.P. Bhasin, District and Sessions Judge (Retd.) as well as the report of the Legal Remembrancer (LR) regarding the status of inquiry report pending adjudication for necessary action before respondent no. 1. The son of the petitioner Navneet was married to Kusum Rani and she was working as Junior Scale Stenographer. The said marriage was allegedly without getting divorce from the earlier husband i.e. Raj Disodia and was without revealing the facts to the petitioner and his family, due to which, departmental proceedings have been initiated against the said employee on the basis of the complaint filed by the petitioner.

A perusal of the paper book would go on to show that the information was sought under the Right to Information Act, 2005 (in short

'the Act') and has been rejected by the State Public Information Officer vide communication dated 06.08.2020 (Annexure P-3) on the ground that providing requisite information may affect the ongoing process and seeking the shelter of Section 8(1)(h) of the said Act. In the said communication, reference of the First Appellate Authority has also been given, which is as per the terms of the mandate provided under Section 7(8)(iii). Section 19 of the Act provides that an appeal would lie to the officer who is senior in rank and in the communication (Annexure P-3), it has been mentioned that the said Officer is Special Secretary to Government of Haryana, Secretariat Establishment.

In such circumstances, once there is a procedure prescribed to file a first appeal before the competent authority under the Act, no directions can be issued by this Court to provide the information as the request has been rejected by passing an order under the Statute. Thus, the petitioner has a remedy of appeal before the Appellate Authority, as mentioned above and, therefore, on account of the alternative and efficacious remedy available, this Court would not exercise its extra ordinary writ jurisdiction, specially keeping in view the law laid down in ***Union Bank of India vs. Satyawati Tandon and others, 2010 (8) SCC 110.***

Faced with this situation, counsel for the petitioner is not in a position to press the present petition and prays for liberty to approach the Appellate Authority in accordance with law.

Ordered accordingly.

03.11.2020
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No