

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

CWP No. 737 of 2021

DATE OF DECISION : 13.01.2021

Pawan Kumar

...Petitioner

Versus

State Information Commission, Haryana and others ...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Ms. Prabhjot Kaur Virk, Advocate,
for the petitioner.
(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Petition herein is under Article 226 of Constitution of India seeking issuance of a writ in the nature of mandamus directing the respondents to provide the specific information under RTI Act sought by the petitioner because as per Section 7 of the Act, information is required to be supplied within 30 days if it is not provided, it shall be deemed refusal of the request.

2. Learned counsel for the petitioner submits that petitioner applied through Right to Information Act, 2005 seeking information regarding the result for the post of Heavy Vehicle Driver and recruitment of the persons, who have been declared successful. The petitioner did not get any satisfactory reply from the respondent-authority and he has filed first appeal. In the appeal, First Appellate Authority directed the ASPIO to supply the marks secured by the petitioner. On 05.09.2019, petitioner received information from the respondent-authority wherein it was stated that the petitioner has not secured the marks in interview but they did not provide information regarding detailed marks obtained by the petitioner. Feeling aggrieved, petitioner filed second appeal before the State Information Commission. In the second appeal,

respondent-authority was directed to submit all the documents with written comments on the said appeal by 28.05.2020.

3. On 11.06.2020, Appellate Authority directed the SPIO to provide complete information sought by the petitioner within one month free of cost and further directed that non-compliance of appellate order would attract penal proceedings under Section 20 of the Act against respondents.

4. On a query of the Court, learned counsel for the petitioner submits that no proceedings have been initiated at the instance of the petitioner under Section 20 of the RTI Act qua the non-compliance of the directions issued by the State Information Commission vide its order dated 11.06.2020.

5. That being so, it seems that the writ petition is not maintainable on the ground of alternative remedy.

6. Instant writ petition is disposed of with liberty to the petitioner to pursue the alternative remedy as aforesaid.

January 13, 2021
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No