

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

CWP No. 11620 of 2021

DATE OF DECISION :- September 28, 2021

Neelam Poonia

...Petitioner

Versus

State Information Commissioner, Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Suvir Sidhu, Advocate for the petitioner.

Ms. Shubhra Singh, Additional Advocate General, Haryana.

The case has been taken up through Video Conferencing.

This civil writ petition under Article 227 of the Constitution of India has been filed by petitioner Ms. Neelam Poonia, wife of Mr. Randhir Poonia, aged about 54 years, resident of H.No. 939, Sector 7-B, Chandigarh seeking quashing of the order dated 15.3.2021 (Annexure P-8) passed by the respondent and all the consequential proceedings.

According to the petitioner, on 9.9.2019, one application under Right to Information Act was filed by Sh. Anil Bhatia, resident of Hisar in the office of petitioner, which was received on 16.9.2019. Response to that application was given and all the queries were answered vide reply dated 24.9.2019. However, the applicant was not satisfied and he preferred an appeal before the First Appellate Authority on 30.9.2019 but was again dissatisfied and he preferred a second appeal before State Information Commissioner, Haryana. Though the requisite information had been supplied to the applicant, the applicant sought further information, which too was provided to him.

However, the respondent Commissioner vide impugned order dated 15.3.2021 (Annexure P-8) imposed penalty of Rs.25,000/- upon the petitioner without any reasonable cause, which is not only stigmatic in nature but may affect the service career of the petitioner in the long run. It is contended that the petitioner was not at fault in the case. Learned counsel for the petitioner has, however, given an assurance that petitioner would be extra cautious and careful in future in such like matters.

Learned State counsel representing the respondent has contended that the order has been passed by the respondent in a statutory capacity and order is self speaking.

After hearing learned counsel for the petitioner and learned State counsel besides going through the record, I find that there does not appear to be any malafide on the part of the petitioner in supplying information and delay if any does not appear to be intentional or wilful justifying the imposition of penalty upon her. The petitioner is a public servant, presently working as Deputy Director, office of Director General, Higher Education, Panchkula. Considering all the facts and circumstances and the assurance given by learned counsel for the petitioner, I find it proper and appropriate to quash the impugned order with regard to imposition of penalty upon the petitioner and the consequent action or proceedings ordered to be taken.

The petition is allowed accordingly.

(H.S. MADAN)
JUDGE

September 28, 2021

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No