

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

CWP-19373 of 2021 (O&M)

Date of decision: 24.09.2021

Manoj Kumar

...Petitioner

Versus

State Information Commission, Haryana and others

...Respondents

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

Present: Mr. S.S. Khokher, Advocate for the petitioner.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

The State Information Commission, Haryana vide its order dated 18.09.2019 had decided the second appeal filed by applicant Manoj Kumar issuing following directions:-

“(i)The SPIO-cum-DSP (HQ), Karnal, shall revisit the record of the public authority and either shall furnish the permissible sought information to the appellant on the basis of available record or shall transfer the RTI application dated 03.04.2019 to the concerned SPIO within five days of the receipt of this order for furnishing the permissible and available information to the appellant within thirty days of the receipt of RTI application under intimation to the Commission.

(ii)The SPIO-cum-DSP (Crime), State Crime Branch, Haryana, Sector-6, Panchkula, shall furnish permissible information to the appellant on the basis of available record of the public authority within fifteen days of the receipt of this order and send compliance report to the Commission latest by 25.10.2019.

(iii) In case there is any discrepancy in the furnished information, the appellant is at liberty to file specific rejoinder with the concerned SPIO with a copy to the Commission, within fifteen days of receipt of information mentioning clear deficiencies. The concerned SPIO is

directed to go through the appellant's specific rejoinder, if received within fifteen days of receipt of information, and furnish specific information to the appellant on the basis of available record, within fifteen days of receipt of specific rejoinder under intimation to the Commission.

(iv) No case is made out for initiating penal action under Section 20(1) of the Act against the respondent SPIO as no malafide has been established on his part."

The petitioner is feeling aggrieved by the fact that despite specific directions having been issued by State Chief Information Commissioner, Haryana, the requisite information has not been supplied to him by State Public Information Officer (SPIO)-cum-Deputy Superintendent of Police (HQ), Karnal and refusal of such authority for initiating penal action under Section 21 of the Right to Information Act (for short 'the Act') against respondent-SPIO.

The writ petition is disposed of directing State Information Commission, Haryana to get its order dated 18.09.2019 implemented and for that purpose, it may recourse to Section 20 of the Act for getting the information supplied to the petitioner from respondents No.2 and 3 at the earliest, not later than 15 days from the date of receipt of copy of this order in its office.

24.09.2021
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(H.S. MADAAN)
JUDGE

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