

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

CWP-20651-2021

Date of decision:-8.10.2021

Surinder

...Petitioner

Versus

State of Haryana and others

...Respondents

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

Present: Mr.Parminder Singh, Advocate
for the petitioner.

H.S. MADAAN, J.

Petitioner – Surinder son of Ram Narain, aged 50 years, Gram Sachiv, Block Mudlana, District Sonapat has brought the instant civil writ petition under Articles 226/227 of the Constitution of India against respondents i.e. State of Haryana through Additional Chief Secretary, Development and Panchayat Department, Haryana, State Information Commission, Haryana, Director Development and Panchayat Officer and Block Development and Panchayat Officer, Mudlana, District Sonapat praying for issuance of a writ in the nature of certiorari for setting aside of order dated 10.2.2020, copy Annexure P7 vide which State Information Commissioner, Haryana had imposed a penalty of Rs.15,000/- upon the petitioner.

According to the petitioner, he is posted as Gram Sachiv of Block Mudlana, District Sonapat; he was designated as ASPIO under the Right to Information Act, 2005 (hereinafter referred to as the Act); one

Krishna Devi daughter-in-law of Ramdhari, Sarpanch of the village on account of having matrimonial dispute with her husband had submitted an application under the Act seeking certain information; the requisite information was supplied to her well in time; however, she was not satisfied and had filed an appeal to State Public Information Officer and thereafter to State Information Commission, Haryana; the order passed by the State Public Information Officer and State Information Commission, Haryana were duly complied with; however, the Commission vide impugned order dated 10.2.2020 had issued a show-cause notice to the present petitioner as well as Parvar Singh, SPIO-cum-Sarpanch, Gram Panchayat Khandrai due to the alleged non-compliance of the order and thereafter observed that respondent – present petitioner working as ASPIO Gram Panchayat, Khandrai, and Block Development & Panchayat Officer, Mundlana, District Sonapat working as State Public Information Officer have miserably failed to justify the reason for delay in furnishing the information to the applicant Smt.Krishna Devi, as such, were held responsible for penal action. The Commission had issued the following directions:

(i) The penal proceeding initiated vide Show Cause Notice No.4565 of 2018 against the SPIO-cum-BDPO Mundlana is hereby dropped.

(ii) A penalty of Rs.15,000/- (Rupees Fifteen Thousands only) is imposed upon Sh.Surinder the then State Public Information Officer-cum-Gram Sachiv, GP Khandrai, Block Mundlana and Rs.10,000/-(Rupees Ten Thousands) on Sh.Parvar Singh, SPIO-cum-Sarpanch, GP Khandrai, Block Mundlana Distt. Sonipat. The

penalty amount shall be deducted from the salary of June 2020 and shall be deposited into the Head of Account "0070-Administrative Services-60-Other Service 118-Receipts under Right to Information Act, 2005 98-Penalties imposed upon under Right to Information Act, 2005, 51-NA" or it can be deposited by sending demand draft to the Commission in favour of Account Officer, State Information Commission, Haryana, payable at Chandigarh.

(iii) The BDPO, Mundlana Distt. Sonipat shall ensure the recovery of penalty amount from the Sh.Parvar Singh, Sarpanch and Sh.Surinder the then ASPIO and send the compliance report of this order to the Commission by 31 July, 2020 positively, failing which Commission would force to recommend disciplinary action against him by exercising the powers conferred under Section 25(5) of the RTI Act, 2005.

Feeling aggrieved by the impugned order, the petitioner has brought the present civil writ petition.

I have heard learned counsel for the petitioner besides going through the record and I do not find anything wrong with the impugned order.

The State Information Commission has categorically observed that its earlier order dated 12.7.2018 had not been complied with and for that reason a show-cause notice was issued to Parvar Singh, Sarpanch and present petitioner as well as BDPO, Mundlana. The latter had filed reply to the show-cause notice considering which proceedings against him were dropped but the present petitioner and Sarpanch did not

opt to file any reply, therefore, after affording hearing to them and perusing the record, the Commission observed that Parvar Singh, Sarpanch and present petitioner, the then ASPIO are responsible for the delay and they have failed to justify the reasons for delay, as such were responsible for penal action and penalty was imposed upon them. No fault can be found with such order passed by the State Information Commissioner. Under the Act, the authorities concerned are required to supply requisite information to the applicants at the earliest within stipulated period and if they drag their feet in the matter and failed to supply the information within time, that too without any justifiable reason and further do not comply with the orders passed by the State Information Commission, action in the matter is required to be taken against the erring authorities/officers. Even otherwise, a wrong message may go around that they could flout the provisions of the Act and orders passed by the Commission with impunity and would then come out unscathed.

I do not see any reason to interfere with the impugned order by way of exercising powers under Articles 226/227 of the Constitution of India, which is to be done in very exceptional cases and not in routine.

The instant writ petition is dismissed accordingly.

8.10.2021
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No