

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

CWP-24734-2021

Date of decision:-6.12.2021

Jagjeet Singh

...Petitioner

Versus

Hon'ble Central Information Commissioner and others

...Respondents

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

Present: Mr.Nitin Sharma, Advocate
for the petitioner.

H.S. MADAAN, J.

Case taken up through video conferencing.

1. Petitioner – Jagjeet Singh working as Head Constable in Traffic Wing of Chandigarh Police, had submitted an application to CPIO/DSP/PHQ, Chandigarh seeking information on five points. CPIO Police Headquarters, U.T. Chandigarh sent reply to the application, however, petitioner was not satisfied with the response and he preferred an appeal before Ist Appellate Authority, who vide order dated 9.8.2019 found that CPIO/Headquarters had inadvertently dealt with RTI

application and the appeal was to be dealt with by State Information Commission being Ist Appellate Authority of CPIO Headquarters. CPIO Headquarters was directed to transfer the RTI application immediately without wasting any further time to CPIO/Police Lines, as such, the first appeal was disposed of.

2. The petitioner preferred a second appeal before Central Information Commission, New Delhi for getting the necessary information and imposing penalty upon the defaulting authority. Notice of that appeal was given to the respondents. After hearing the parties, the Central Information Commissioner vide order dated 28.7.2021 decided the appeal as under:-

Keeping in view of the facts of the case and the submissions made by both the parties, the Commission directs the CPIO to offer an inspection of records pertained to stock registers of Camp offices regarding non consumable government items for the year 2017 & 2018 on any mutually convenient date and time and provide photocopies of documents desired by the Appellant during inspection of records, free of cost for the first 10 pages. But for the remaining the Appellant may be charged in accordance with the RTI Rules 2012. A letter intimating the Appellant regarding the inspection of records along with the date and time should be sent within 07 days after receiving this order and inspection should be done in next 21 days, under the intimation to the Commission.

The Commission also directs the Respondent to depute a responsible officer to assist the Appellant during an inspection and

facilitate inspection of complete files and provide certified copies of selected documents to the Appellant as per the Rule 4 of the RTI Rules 2012. The Appeal stands disposed accordingly.

3. Still feeling aggrieved, the petitioner has approached this Court by way of filing the present civil writ petition seeking setting aside of order passed by Central Information Commission to the extent of non-imposition of penalty and non-initiation of disciplinary action against respondents No.2 to 6 i.e. Ms.Nilambari Jagadale, SSP, UT, Chandigarh, Sh.Rajeev Kumar Ambasta, DSP-cum-CPIO/PHQ, Chandigarh, Dr.Rashmi Sharma Yadav,present CPIO/PHQ-cum-DSP/PHQ-cum/CPIO/Accounts, Chandigarh, Sh.Daleep Rattan (Retd.), CPS, DSP-cum-CPIO/Police Lines, Chandigarh and Ms.Niyati Mittal, CPIO-cum-DSP/PLWC, Chandigarh.

4. I have heard learned counsel for the parties besides going through the record.

5. The Central Information Commissioner has directed the CPIO to permit the petitioner to inspect the relevant record and to provide photocopies of documents as desired by the petitioner free of cost of first 10 pages, whereas charging fee for remaining pages. The main purpose of petitioner filing the application was to collect the information regarding which the Central Information Commissioner has passed the detailed order. It cannot be made to understand as to how the petitioner is still feeling dissatisfied asking for initiation of disciplinary action and imposition of penalty upon the police officials, who directly have no concern with furnishing of the information. Even otherwise, Section 20 of

the right to Information Act, 2005 clearly provides that if the Central Information Commission at the time of deciding any appeal is of the opinion that the Central Public Information Officer or State Public Information Officer, as the case may be, has without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified or malafidely denied the request of information or knowingly given incorrect incomplete or misleading information or destroyed information then it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees.

6. Here, Central Information Commission has nowhere recorded any such opinion. Furthermore, for imposing such penalty or recommending disciplinary action the concerned CPIO or SPIO are required to be given reasonable opportunity of being heard as per proviso to Section 20 and just at the asking of the petitioner penalty cannot be imposed and disciplinary action recommended against the police officers. The interest of the petitioner seems to be more in getting penalty imposed upon police officers and getting disciplinary action initiated against them, rather than collecting information mentioned in his application. The petitioner is feeling unnecessarily aggrieved filing writ petition, which in my considered view lacks merit and cannot proceed. There is nothing on record to show that the SPIO or CPIO had committed any misconduct or have been guilty of such behaviour in denying furnishing of information sought for by the petitioner or delaying the same or for that matter giving

wrong information.

7. Thus I do not see any reason to proceed further with the writ petition. The same is bound to fail and is dismissed accordingly.

6.12.2021
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No