

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

1. CWP No. 13156 of 2020 (O&M)

State Public Information Officer -cum-Deputy Registrar		Petitioner(s)
	Versus	
State Information Commission, Haryana and another		Respondents(s)

2. CWP No. 26594 of 2019 (O&M)

Dr. Virender S. Poonia		Petitioner(s)
	Versus	
State Information Commission, Haryana and others		Respondents(s)

3. CWP No. 12734 of 2020 (O&M)

Dr. Virender S. Poonia		Petitioner(s)
	Versus	
State Information Commission, Haryana and others		Respondent(s)

4. CWP No. 13157 of 2020 (O&M)

State Public Information Officer -cum-Chairperson		Petitioner(s)
	Versus	
State Information Commission, Haryana and others		Respondent(s)

5. CWP No. 13158 of 2020 (O&M)

State Public Information Officer -cum-Chairperson		Petitioner(s)
	Versus	
State Information Commission, Haryana and others		Respondent(s)

6. CWP No. 13160 of 2020 (O&M)

State Public Information Officer -cum-Public Relations Officer	Petitioner(s)
Versus	
State Information Commission, Haryana and others	Respondent(s)

7. CWP No. 13161 of 2020 (O&M)

State Public Information Officer -cum-Principal and others	Petitioner(s)
Versus	
State Information Commission, Haryana and others	Respondent(s)

8. CWP No. 13162 of 2020 (O&M)

State Public Information Officer -cum-Public Relations Officer	Petitioner
Versus	
State Information Commission, Haryana and others	Respondents

9. CWP No. 13163 of 2020 (O&M)

State Public Information Officer	Petitioner(s)
Versus	
State Information Commission, Haryana and others	Respondent(s)

10. CWP No. 13165 of 2020 (O&M)

State Public Information Officer -cum-Public Relations Officer	Petitioner(s)
Versus	
State Information Commission, Haryana and others	Respondent(s)

11. CWP No. 13166 of 2020 (O&M)

State Public Information Officer -cum-Assistant Registrar and others	Petitioner(s)
Versus	
State Information Commission, Haryana and others	Respondent(s)

12. CWP No. 13168 of 2020 (O&M)

Kurukshetra University, Kurukshetra
and others

.....Petitioner(s)

Versus

State Information Commission,
Haryana and others

.....Respondent(s)

13. CWP No. 13486 of 2021 (O&M)

State Public Information Officer
-cum-Deputy Registrar

.....Petitioner(s)

Versus

State Information Commission,
Haryana and others

.....Respondent(s)

14. CWP No. 13567 of 2021 (O&M)

State Public Information Officer
-cum-Superintendent-I

.....Petitioner(s)

Versus

State Information Commission,
Haryana and others

.....Respondent(s)

15. CWP No. 1516 of 2022 (O&M)

Dr. Virender S. Poonia

.....Petitioner(s)

Versus

State Information Commission,
Haryana and others

.....Respondent(s)

16. CWP No. 19494 of 2020 (O&M)

State Public Information Officer
-cum-Chief Security Officer

.....Petitioner(s)

Versus

State Information Commission,
Haryana and others

.....Respondent(s)

17. CWP No. 3590 of 2022 (O&M)

Dr. Virender S. Poonia	Petitioner(s)
Versus	
State Information Commission, Haryana and others	Respondent(s)

18. CWP No. 36587 of 2019 (O&M)

Dr. Virender S. Poonia	Petitioner(s)
Versus	
State Information Commission, Haryana and others	Respondent(s)

19. CWP No. 14405 of 2020 (O&M)

State Public Information Officer -cum-Superintendent (Cheque) and others	Petitioners
Versus	
State Information Commission, Haryana and others	Respondents

20. CWP No. 14450 of 2020 (O&M)

State Public Information Officer -cum-Superintendent (Cheque) and others	Petitioners
Versus	
State Information Commission, Haryana and others	Respondents

21. CWP No. 14452 of 2020 (O&M)

State Public Information Officer -cum-Superintendent (Cheque) and others	Petitioner(s)
Versus	
State Information Commission, Haryana and others	Respondent(s)

22. CWP No. 1475 of 2020 (O&M)

Dr. Virender S. Poonia	Petitioner(s)
Versus	
State Information Commission, Haryana and others	Respondent(s)

23. CWP No. 2066 of 2020 (O&M)

Dr. Virender S. Poonia	Petitioner(s)
Versus	
State Information Commission, Haryana and others	Respondent(s)

24. CWP No. 4678 of 2021 (O&M)

State Public Information Officer -cum-Public Relations Officer and others	Petitioner(s)
Versus	
State Information Commission, Haryana and others	Respondent(s)

25. CWP No. 4707 of 2021 (O&M)

State Public Information Officer -cum-Deputy Registrar (Establishment-T)	Petitioner(s)
Versus	
State Information Commission, Haryana and others	Respondent(s)

26. CWP No. 4778 of 2021 (O&M)

State Public Information Officer -cum-Chief Security Officer	Petitioner(s)
Versus	
State Information Commission, Haryana and others	Respondent(s)

27. CWP No. 4794 of 2021 (O&M)

State Public Information Officer -cum-Public Relations Officer and others	Petitioner(s)
Versus	
State Information Commission, Haryana and others	Respondent(s)

28. CWP No. 7862 of 2020 (O&M)

State Public Information Officer
-cum-Chairperson

.....Petitioner(s)

Versus

State Information Commission,
Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Puneet Gupta, Advocate for the petitioner(s)
in CWP-13156, 13157, 13158, 13160, 13161, 13162, 13163,
13165, 13166, 13168, 19494, 7862, 14405, 14450 & 14452-2020;
CWP-4678, 4707, 4778 & 4794-2021;
for respondent Nos.2 to 3 in
CWP-26594 & 36587-2019; CWP-1475 & 2066-2020;
CWP-1516 & 3590-2022
for respondent Nos.2 to 5 in CWP-12734-2020.

Mr. Sherry K. Singla, Advocate,
for the petitioner(s) in CWP-12734-2020; CWP-36587-2019;
CWP-1475-2020; CWP-2066-2020;
& CWP-3590 & 1516-2022;
and for respondent No.2 in remaining cases.

Mr. Prateek Mahajan, Advocate,
for the petitioner(s) in CWP-13486 & 13567-2021.

Mr. A.K. Sehrawat, DAG, Haryana.

Ms. Prerna Malhotra, Advocate,
for respondent Nos.3 & 4 in CWP-13486 & 13567- 2021;
for respondent No.3 in CWP-13168-2020;
for respondent Nos.3 to 14 in CWP-4707-2021.

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MAHABIR SINGH SINDHU. J.

1. This order shall dispose off afore-mentioned 28 writ petitions
being similar in nature and between the common parties.

With consent of both sides, facts as well as prayer are being
noticed from CWP-13156-2020.

2. Present writ petition has been filed under Article 226 of the Constitution, *inter-alia*, for quashing of direction contained in para 3 (2) of the impugned order dated 05.08.2019 (P-18), passed by the State Information Commission, Haryana (for short, 'the Commission'), while deciding an appeal case No.4145 of 2018 preferred at the instance of respondent No.2-Dr. Virender S. Poonia, thereby directing the State Public Information Officer of the Kurukshetra University, Kurukshetra (for short, 'the SPIO') to *"send an original duly sworn affidavit to the appellant with a copy to the Commission, stating therein that the complete information as per available record has been furnished to the appellant and no other information relating to the RTI application is available in the records of the Public Authority and nothing concealed."*

3. Facts are not in dispute.

4. Paper-book reveals that on 22.12.2017, respondent No.2- Dr. Virender S. Poonia, filed an application under the Right to Information Act, 2005 (for short, 'the RTI Act'), before the SPIO for seeking certain information and which was supplied to him vide letters dated 17.01.2018 & 24.01.2018. Since respondent No.2 was not satisfied, therefore, he preferred an appeal before the Authority concerned and same was disposed off vide order dated 24/28.02.2018 with the direction that needful be done by the SPIO within 15 days. In pursuance of the above direction(s) of first Appellate Authority, requisite information was supplied by the SPIO on 09.03.2018. Still feeling aggrieved, respondent No.2 preferred Second Appeal before the Commission and during the pendency of same, an order was passed on 24.09.2018 to the effect that appellant (respondent No.2) be allowed to inspect the relevant records of the University

5. It transpires that in pursuance of above order of the Commission, respondent No.2 was allowed to inspect the relevant records on 19.10.2018 & 23.10.2018 and desired information was supplied to him by the University. Again records were inspected by respondent No.2 on 31.01.2019 and remaining information was furnished to him on 04.02.2019.

Despite above factual position a show-cause notice dated 06.05.2019 was received from the Commission by the SPIO/University for non-compliance of the order dated 24.09.2018. In response thereto, the SPIO submitted their reply stating therein that complete information has already been supplied to the respondent No.2, but the Commission while disposing off the Second Appeal, vide impugned order dated 05.08.2019, in para 3, directed as under:-

3. In view of the above, the Commission decides to dispose of the present appeal with the directions:-

1. The concerned respondent SPIO is hereby directed to arrange all the files in the office of Registrar, Kurukshetra University, Kurukshetra and allow the appellant for inspection of the relevant records relating to the RTI application 22.12.2017 in view of provisions of Section 2(j) of the RTI Act, 2005 by fixing a mutually convenient date within a week from receipt of this order. After inspection, the appellant can take the photocopies of relevant identified documents of his RTI application as per provisions of the RTI Act, 2005.

2. The respondent SPIO/ASPIOs shall send an original duly sworn affidavit to the appellant with a copy to the Commission, stating therein that the complete information as per available record has been furnished to the appellant and no other

information relating to the RTI application is available in the records of the Public Authority and nothing concealed.

3. The State Public Information Officer shall send the compliance report to the Commission as soon from the above action, failing which an appropriate action would be initiated against him for non-compliance.”

6. On 31.08.2020, this Court while issuing notice of motion to respondent(s), stayed the operation of impugned order till the next date of hearing and the interim stay has been extended from time to time.

7. Concededly, out of total 28 writ petitions, 21 petitions have been filed by the SPIO(s)/University; whereas, remaining 07 are at the instance of respondent No.2-Dr. Virender S. Poonia. For brevity, details of all the writ petitions are enumerated as under:-

1. Writ petitions filed by the SPIO/University

Sr. No.	Case No.	Petitioner(s)	Respondent(s)
1.	CWP No. 13156 of 2020	State Public Information Officer -cum-Deputy Registrar	State Information Commission, Haryana and another
2.	CWP No. 13157 of 2020	State Public Information Officer -cum-Chairperson	State Information Commission, Haryana and others
3.	CWP No. 13158 of 2020	State Public Information Officer -cum-Chairperson	State Information Commission, Haryana and others
4.	CWP No. 13160 of 2020	State Public Information Officer -cum-Public Relations Officer	State Information Commission, Haryana and others
5.	CWP No. 13161 of 2020	State Public Information Officer -cum-Principal and others	State Information Commission, Haryana and others
6.	CWP No. 13162 of 2020	State Public Information Officer -cum-Public Relations Officer	State Information Commission, Haryana and others

7.	CWP No. 13163 of 2020	State Public Information Officer	State Information Commission, Haryana and others
8.	CWP No. 13165 of 2020	State Public Information Officer -cum-Public Relations Officer	State Information Commission, Haryana and others
9.	CWP No. 13166 of 2020	State Public Information Officer -cum-Assistant Registrar and others	State Information Commission, Haryana and others
10.	CWP No. 13168 of 2020	Kurukshetra University, Kurukshetra and others	State Information Commission, Haryana and others
11.	CWP No. 13486 of 2021	State Public Information Officer -cum-Deputy Registrar	State Information Commission, Haryana and others
12.	CWP No. 13567 of 2021	State Public Information Officer -cum-Superintendent-I	State Information Commission, Haryana and others
13.	CWP No. 19494 of 2020	State Public Information Officer -cum-Chief Security Officer	State Information Commission, Haryana and others
14.	CWP No. 14405 of 2020	State Public Information Officer -cum-Superintendent (Cheque) and others	State Information Commission, Haryana and others
15.	CWP No. 14450 of 2020	State Public Information Officer -cum-Superintendent (Cheque) and others	State Information Commission, Haryana and others
16.	CWP No. 14452 of 2020	State Public Information Officer -cum-Superintendent (Cheque) and others	State Information Commission, Haryana and others
17.	CWP No. 4678 of 2021	State Public Information Officer -cum-Public Relations Officer and others	State Information Commission, Haryana and others
18.	CWP No. 4707 of 2021	State Public Information Officer -cum-Deputy Registrar (Establishment-T)	State Information Commission, Haryana and others
19.	CWP No. 4778 of 2021	State Public Information Officer -cum-Chief Security Officer	State Information Commission, Haryana and others
20.	CWP No. 4794 of 2021	State Public Information Officer -cum-Public Relations Officer and others	State Information Commission, Haryana and others
21.	CWP No. 7862 of 2020	State Public Information Officer -cum-Chairperson	State Information Commission, Haryana and others

Note : In all the above 21 writ petitions, Dr. Virender S. Poonia has been impleaded as party-respondent No.2.

2. Writ petitions at the instance of respondent No.2

Sr. No.	Case No.	Petitioner(s)	Respondent(s)
1.	CWP No. 26594 of 2019	Dr. Virender S. Poonia	State Information Commission, Haryana and others
2.	CWP No. 12734 of 2020	Dr. Virender S. Poonia	State Information Commission, Haryana and others
3.	CWP No. 1516 of 2022	Dr. Virender S. Poonia	State Information Commission, Haryana and others
4.	CWP No. 3590 of 2022	Dr. Virender S. Poonia	State Information Commission, Haryana and others
5.	CWP No. 36587 of 2019	Dr. Virender S. Poonia	State Information Commission, Haryana and others
6.	CWP No. 1475 of 2020	Dr. Virender S. Poonia	State Information Commission, Haryana and others
7.	CWP No. 2066 of 2020	Dr. Virender S. Poonia	State Information Commission, Haryana and others

Note : In above 07 writ petitions, SPIO/University has been impleaded as party-respondent No.2.

8. On 31.05.2022, learned counsel for Dr. Virender S. Poonia (respondent No.2) sought time to file a consolidated affidavit for all these cases and matter was posted for 02.06.2022.

Today, learned counsel for respondent No.2 has filed an affidavit dated 01.06.2022 of Dr. Virender S. Poonia and the same is taken on record. Registry will tag the aforesaid affidavit at appropriate place.

For reference, Para Nos. 1 to 5 of the affidavit are extracted as under:-

“1. That the deponent is impleaded as respondent No.2 in the above mentioned writ petition which is a lead case bearing CWP No. 13156 of 2020 titled as SPIO Vs. SIC Haryana and another. It is further submitted here that the connected Writ Petitions bearing

- i) CWP No. 13157 of 2020;
- ii) CWP No. 13158 of 2020;
- iii) CWP No. 13160 of 2020;
- iv) CWP No. 13162 of 2020;
- v) CWP No. 13161 of 2020;
- vi) CWP No. 13163 of 2020;
- vii) CWP No. 13165 of 2020;
- viii) CWP No. 13166 of 2020;
- ix) CWP No. 13168 of 2020;
- x) CWP No. 19494 of 2020;
- xi) CWP No. 7862 of 2020;
- xii) CWP No. 14405 of 2020;
- xiii) CWP No. 14450 of 2020;
- xiv) CWP No. 14452 of 2020;
- xv) CWP No. 13486 of 2021;
- xvi) CWP No. 13567 of 2021;
- xvii) CWP No. 4678 of 2021;
- xviii) CWP No. 4707 of 2021;
- xix) CWP No. 4778 of 2021;
- xx) CWP No. 4794 of 2021;

has (sic. have) also been filed by the petitioner State Public Information Officer, whereby the impugned orders passed by the respondent No.1 has (sic. have) been challenged by the petitioner.

2. That the deponent has already been provided the requisite information as sought by the deponent in the applications filed under the RTI Act 2005, in pursuance to the directions passed by the respondent No.1 in the respective appeals filed by the deponent and therefore, the deponent do (sic. does) not want to pursue further the applications filed under the RTI Act, 2005, which are the subject matter of the above mentioned writ petitions filed by the petitioner. The deponent have (sic. has) also given the detail of the information sought and received in the written statement

filed by the deponent in the above mentioned writ petition and the deponent have (sic. has) got no objection, if the above mentioned writ petition is disposed of in view of the statement made by the deponent in the present affidavit.

3. That the deponent further undertake (sic. undertakes) that the deponent is not having any objection if the petitioner does not furnish the affidavit in support to the compliance of the orders made by the respondent No.1 and the deponent have (sic. has) got no objection if the petitioner is absolved of all the conditions as laid down by the respondent No.1 while passing the impugned orders, which are the subject matter of the above mentioned writ petition filed by the petitioner as the requisite information has already been supplied to the deponent in pursuance to the orders passed by the respondent No.1.

4. That it is also relevant to mention here that the deponent have (sic. has) also filed CWP No. 12734 of 2020, CWP No. 36587 of 2019, CWP No. 1475 of 2020, CWP No. 2066 of 2020, CWP No. 3590 of 2022 and CWP No. 1516 of 2022, which is (sic. are) also tagged alongwith the lead case bearing CWP No. 13156 of 2020. It is also submitted here that the deponent do (sic. does) not want to pursue the above mentioned writ petition (sic. petitions) as mentioned in para No. 3 of the affidavit, which has (sic. have) been filed by the petitioner before this Hon'ble Court, as the deponent is satisfied with the information supplied by the petitioner in pursuance to the applications filed by the deponent under the RTI Act, 2005 and which is the subject matter of the above mentioned writ petitions filed by the deponent and thus, the deponent do (sic. does) not want to pursue the above mentioned writ petition (sic. petitions) filed by the deponent, in view of the fact that the necessary information has already been provided to the deponent and therefore the above mentioned writ petition (sic. petitions) filed by the

deponent may also be disposed of being rendered infructuous.

5. That the deponent have (sic. has) also filed CWP No. 26594 of 2019 and it is submitted here that the same be also dispose of (sic. disposed off) as the deponent is satisfied with the information supplied by the petitioner in pursuance to the application filed under the RTI Act 2005.”

9. Perusal of para 2 of the affidavit extracted hereinabove clearly reveals that respondent No.2 has already been provided the requisite information sought by him in terms of direction(s) of the Commission in respective appeal(s) and he does not want to pursue the matter any further. Respondent No.2 further deposed in the affidavit that he has no objection, in case, the writ petitions are disposed off in view of the statement made by him in the present affidavit. Still further, from perusal of para 4 of the affidavit, it is clearly discernable that respondent No.2 does not wish to pursue 07 writ petitions filed by him and he is fully satisfied with the information already supplied by the SPIO/University under the RTI Act.

10. Even before this Court, during the course of hearing, both sides, through their respective counsel, were fully satisfied and candidly submitted on instruction that no grievance has been left by either party against each other.

11. In view of the above, this Court is fully convinced that none of the parties is having any grievance against other side.

As a result thereof, all these writ petitions are disposed off by giving *quietus* to the present *lis* between the parties with an observation to the effect that in respective case(s), there would be no need to send an affidavit by the SPIO/University to respondent No.2-Dr. Virender S. Poonia or to the

Commission, in any manner, which was directed while passing the impugned order(s).

02.06.2022

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(MAHABIR SINGH SINDHU)

JUDGE

Whether speaking/reasoned :

Yes/No

Whether Reportable:

Yes/No