

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

**CWP No.20958 of 2022 (O&M)
Date of Decision: 14.09.2022**

Punnu Ram

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. N.K.Nagar, Advocate for the petitioner.

MAHABIR SINGH SINDHU, J.

Present writ petition has been filed under Article 226 of the Constitution for quashing the impugned order dated 10.08.2022 (P-13), whereby second appeal of the petitioner filed under Section 19 of the Right to Information Act, 2005 (*for short 'RTI Act'*) was disposed off by the State Information Commissioner, Punjab (*for short 'Commission'*).

(2) Facts are not in dispute, which are as under:-

Petitioner was appointed as Driver on 21.09.1974 on contract basis. Thereafter, his services were regularized on 03.05.1977. He completed 24 years of service on 03.05.2001, but allowed the benefit of Assured Career Progress Scheme (*for short 'ACP'*) from 01.04.2002 on the premise that his ACRs for the period 1998-1999 & 1999-2000 were rated average.

(3) Petitioner filed an application dated 23.04.2021 (P-4) under the RTI Act and relevant part of the same reads as under:-

“ Regarding release of A.C.P. benefits not on due date and supply of certified copies of the instructions or the letters which permits such delay.”

(4) In response to aforesaid request, desired information was not supplied to the petitioner.

(5) Aggrieved against the above inaction, petitioner preferred an appeal.

(6) Still remaining dissatisfied, petitioner filed second appeal before the Commission, which was disposed off vide impugned order.

(7) Hence, present writ petition.

(8) It is contended by learned Counsel for the petitioner that instead of supplying the desired information, his second appeal has been closed by the Commission without assigning any reason and as such, impugned order is not legally sustainable. Also submitted that petitioner was entitled for ACP benefits from 01.04.2009; thus, he is suffering recurring losses.

(9) Heard learned Counsel for the petitioner and perused the paper-book.

(10) It is not in dispute that present controversy relates to grant of information under the RTI Act and if petitioner is entitled for the benefits of ACP w.e.f. 03.05.2001, the remedy lies somewhere else.

(11) Moreover, the relevant Circulars for grant of ACP(s) have already been supplied to the petitioner by quarter concerned and reference in this regard can be made to the relevant part of the impugned order, which reads as under:-

“I have gone through the reply of the Respondent and agree with the reply of the Respondent resultantly, the proceedings under Section 20 of the RTI are dropped. The respondent has also filed an affidavit mentioning therein that the information has been provided

to the appellant and except no information is left in the record which has been provided to Sh. Punnu Ram. The said information as sought by the Sh. Punnu Ram through RTI which was provided by the deponent to him is true, complete and correct.”

(12) Above all, the instructions dated 25.09.1998 & 24.10.2000 on the basis of which petitioner was granted the benefit of ACP vide order dated 26.12.2011 (P-3) by the competent authority are already on record as Annexures P-1 & P-2, respectively.

(13) In view of the above, this Court does not find any ground to entertain the present writ petition under Article 226 of the Constitution and as such, the same is dismissed.

(14) However, dismissal of the petition shall not debar the petitioner from claiming his service benefits in accordance with law, if he is so entitled.

September 14th, 2022
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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