

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

**CWP No.27291 of 2019 (O&M)
Date of Decision: 01.04.2022**

Ishwar Singh

..... Petitioner

Versus

State Information Commissioner, Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Priyavrat Parashar, Advocate for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana
for the respondent(s).

MAHABIR SINGH SINDHU, J.

Present writ petition has been filed under Article 226 of the Constitution, *inter alia*, for quashing the impugned order dated 14.06.2019 (P-1), passed by State Information Commission, Haryana (*for short 'the Commission'*), whereby the appeal filed by the petitioner under Section 19(3) of the Right to Information Act, 2005 (*for short 'RTI Act'*) was disposed off.

It is contended by learned Counsel for the petitioner that impugned order, passed by the Commission, thereby disposing off above mentioned appeal with the observation that "*requisite information, demanded by the*

appellant, stand furnished” is factually wrong and thus, liable to be set aside being erroneous.

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

It transpires that petitioner vide his application dated 01.12.2018 (P-2) sought certain information under the RTI Act from State Public Information Officer-cum-Sarpanch, Gram Panchayat Kheri Sakra, District Kaithal (respondent No.2).

Again the desired information was not supplied and as a result thereof, petitioner approached the Commission by way of second appeal, which was disposed off while passing the impugned order and relevant part of which reads as under:-

“4. In response to the query raised by the Commission whether the information called for by the appellant has been provided or not, the respondent SPIO apprised the Commission that the complete information, as per the appellant’s RTI application dated 11.02.2018, has already been provided through registered post on 18.04.2019 (a copy of the same is taken on the record). After hearing the present parties, the Commission examined the RTI application as well as supplied information, it is came to the conclusion that the information provided by respondent SPIO is complete. The appellant is also convinced with this fact, during the hearing.

Decision :-

5. In the light of the above, the Commission decided to dispose of the appeal case with the observation that the requisite information, demanded by the appellant, stand furnished. The Commission warned the SPIO to be careful in future and ensure that as and when an application is received under Right to Information Act, he shall be obliged to act upon promptly and in any case within the stipulated period.”

Although, learned Counsel forcefully assailed the impugned order on the premise that petitioner was not present at the time of hearing his appeal before the Commission, but the same is not acceptable for the following reasons :-

1. *Perusal of para 4 of the impugned order, extracted hereinabove, clearly reveals that complete information sought by the petitioner vide application dated 11.02.2018 had already been provided to him through registered post on 18.04.2019 and copy of the same was taken on record of the appeal.*
2. *The Commission, after hearing the parties and examining the application of the petitioner and taking into consideration the information already supplied to him, came to the conclusion that requisite information supplied by the SPIO was complete and even the petitioner was also convinced during the course of hearing his appeal.*
3. *Para 9 (v) of the writ petition clearly indicates that petitioner was very much present at the time of hearing his appeal before the Commission and which is recapitulated as under:-*
“That the Ld. Commissioner has failed to pass a speaking order in the light of the oral contentions raised by the Petitioner himself and the same is against the principles of Justice, Equity and Good Conscience.”
4. *Even during the course of hearing before this Court, learned Counsel for the petitioner failed to point out any such averments made in the writ petition to the effect that petitioner was not present when his appeal was disposed off by the Commission on 14.06.2019.*

In view of the above, this Court does not deem it appropriate to interfere with the observations, made by the Commission in its order dated 14.06.2019 while exercising jurisdiction under Article 226 of the Constitution.

As a result thereof, there is no option except to dismiss the present petition.

Ordered accordingly.

Pending application(s), if any, shall also stand disposed off.

April 1st, 2022
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>