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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-9076-2022
Date of decision: 05.07.2023

B.N. Bharti

...Petitioner

Versus

State Information Commission, Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Bikram Chaudhary, Advocate for the petitioner.

Ms. Palika Monga, DAG, Haryana,
for respondent Nos.1 and 2.

Mr. Padamkant Dwivedi, Advocate
for respondent Nos.3 and 4.

Mr. Vishal Sharma, Advocate for respondent No.5.

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VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing of impugned order dated 08.10.2020 (Annexure P-7) passed by respondent No.2, vide which, the penalty of Rs.25,000/- under Section 20 of the Right to Information Act, 2005 (hereinafter to be referred as "the RTI Act") has been imposed upon the petitioner.

2. Learned counsel for the petitioner has submitted that in the

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present case, reply to the show cause notice was given by the present petitioner and in the said reply, it has specifically been stated that after the application was filed by respondent No.5 under the RTI Act, the petitioner had asked the concerned Department to supply the information and the information was to be supplied by various branches of the office and immediately after the receipt of information from the said branches, same was supplied to respondent No.5 without any delay and the order of the authority had been complied with. It is further submitted that the abovesaid reply filed by the petitioner has not been duly considered by the authority before passing the impugned order vide which the penalty of Rs.25,000/- has been imposed on the petitioner. It is submitted that since, the information was supplied by the petitioner without any delay on his part thus, the impugned order deserves to be set aside. It is contended that the order has been passed on 08.10.2020 after the retirement of the petitioner who retired on 30.08.2020. It is further contended that the impugned order has caused prejudice to the petitioner and thus, the prayer has been made for setting aside of the same.

3. Learned counsel for respondent No.5-complainant has not denied the factual averments made by learned counsel for the petitioner and has submitted that he has no objection, in case, the impugned order is set aside.

4. Learned counsel for respondent Nos.3 and 4 has also not denied the factual averments made by learned counsel for the petitioner and has submitted that he has no objection, in case, the impugned order is

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set aside.

5. Keeping in view the abovesaid facts and circumstances, more so the facts that it is not disputed that the information has already been supplied and that the petitioner had made every effort to supply the information immediately after getting the same from the concerned branches and also the fact that the contesting respondent Nos.3 to 5 have no objection in case, the impugned order is set aside, the present Civil Writ Petition is allowed and the impugned order dated 08.10.2020 (Annexure P-7) passed by respondent No.2 is set aside.

05.07.2023 **(VIKAS BAHL)**
Pawan **JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No

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