

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

**CWP No. 11886 of 2017 (O&M)
DECIDED ON: 22nd February, 2023**

Karan Jagdish Kaur

.....PETITIONER

VERSUS

Ashwini Kaith and another

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Laxman, Advocate for
Mr. ADS Bal, Advocate for petitioner.

Mr. Charanpreet Singh, AAG Punjab.

AVNEESH JHINGAN, J (ORAL)

The writ petition in the nature of Certiorari is filed seeking quashing of orders dated 8.8.2016 and 28.12.2016 whereby penalty of Rs.25,000/- was imposed upon the petitioner.

The facts in brief are that the petitioner was designated as Public Information Officer (for short "PIO") in the office of Chairman, Punjab School Education Board. Respondent No.1 (hereinafter referred as 'respondent') filed an application dated 29.10.2014 under the Right to Information Act, 2005 (for short 'the Act') seeking information regarding complaint No. 109/13 sent by Vigilance Department to Punjab School Education Board (for short "PSEB") and action taken report.

Aggrieved of non-action, respondent availed statutory appellate remedies and thereafter complaint was filed before the State Information Commission (for short 'Commission').

On 9.7.2015 Lakhwinder Singh, Data Entry Operator, appeared before Commission on behalf of department and submitted that the requisite information was supplied through registered post. The respondent alleged that there was inordinate delay of seven months in supplying the information and he

20 of the Act to the petitioner giving opportunity of personal hearing to show cause why penalty be not imposed.

During proceedings, the respondent was compensated with an amount of Rs.2000/-. The petitioner failed to respond to the show cause notice. However, after availing number of opportunities filed an affidavit taking a stand that the application seeking information was received in the office of PSEB on 10.6.2015. The tracking report produced by the complainant showed that the application was delivered in PSEB office on 10.10.2014 falsified the stand of petitioner. There was no explanation put forth for the delay in supplying the information and penalty of Rs.25,000/- was imposed vide order dated 8.8.2016.

Learned counsel for the petitioner after arguing for sometimes restricts the prayer that the petitioner is now retired and the quantum of penalty be reduced.

Learned counsel for respondent opposes the prayer and submits that the conduct of the petitioner was evident from the fact that the stand taken before the Commission was false.

However, taking a lenient view that the petitioner has already retired and the information sought by the respondent was duly received and he was compensated also, the quantum of penalty is reduced from Rs.25000/- to Rs.10,000/-.

Disposed of.

Since the main case has been decided, pending application, if any is rendered infructuous.

22nd February, 2023
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(AVNEESH JHINGAN)
JUDGE

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