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

CWP-13726-2023

Date of decision: 03.07.2023

Pardeep Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vikram Singh Narwal, Advocate for the petitioner.

Ms. Rajni Gupta, Addl. A.G., Haryana, for respondent Nos.1 to 4.

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 mandamus directing the respondents to provide the information to the petitioner as mentioned in RTI Application dated 07.09.2021 (Annexure P-1).

2. Learned counsel for the petitioner has submitted that vide order dated 23.11.2022 (Annexure P-6), the State Information Commission, Haryana had allowed the second appeal of the petitioner and had given directions in para 5 of the order to the authorities concerned and had specifically stated in sub-Clause (iv) that in case of non-compliance of the order, penal action under Section 20 or any other Section of the Act will be initiated against the SPIOs as per the provisions of the Right to Information Act, 2005 (hereinafter to be referred as “the RTI Act, 2005”). It is further submitted that the petitioner had filed writ petition since, the said order was not complied with and a Coordinate Bench of this Court vide order dated 30.01.2023 (Annexure P-8) had permitted

the petitioner to withdraw the petition with liberty to avail remedies under Section 20 of the RTI Act, 2005. It is further contended that the petitioner had thereafter filed RTI Application (Annexure P-9) which as per the Counsel, was filed on 07.02.2023 (date wrongly mentioned in the application as 02.07.2023) and submits that the said application has not been considered till date by the State Information Commissioner.

3. Learned counsel for the petitioner has submitted that the petitioner would be satisfied in case, the State Information Commissioner is directed to consider the application (Annexure P-9), in accordance with law.

4. Learned State Counsel has pointed out that in case, any application dated 07.02.2023 has been filed by the petitioner then the State Information Commissioner would consider the same, in accordance with law as expeditiously as possible.

5. Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed of with direction to the State Information Commissioner to consider the application dated 07.02.2023 (Annexure P-9) (date wrongly stated to be as 02.07.2023) as expeditiously as possible.

6. It is made clear that in case, the original application (Annexure P-9) is not dated 07.02.2023 or the same has not been filed, then the present writ petition would be deemed to have been dismissed.

03.07.2023*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**