

CWP-18905-2023

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2023:PHHC:115635

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-18905-2023

Date of decision : 04.09.2023

Banarsi Dass

... Petitioner

Versus

State Information Commission, Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Pranav Chamoli, Advocate
for the petitioner.

Ms. Rajni Gupta, Addl.A.G. Haryana
for the respondents.

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition filed under Articles 226/227 of the Constitution of India for the issuance of a writ in the nature of mandamus directing the respondent no.1 to implement the order dated 22.05.2019 (Annexure P-6) in a time bound manner.

2. Learned counsel for the petitioner has submitted that the petitioner had filed an application dated 12.11.2018 (Annexure P-1) under the Right to Information Act, 2005 (hereinafter referred to as "RTI Act") seeking information from the respondent authorities. It is further submitted that vide order dated 22.05.2019 (Annexure P-6), respondent no.1-State Information Commission, Haryana while exercising powers conferred under sub section 5 of Section 25 of the RTI Act had recommended to the First Appellate Authority-cum-Superintendent of Police, Sirsa to enquire into the matter of misplacement of record and fix responsibility and take necessary

action against the delinquent official/officer within 3 months under intimation to the Commission and disposed of the second statutory appeal filed by the petitioner. It is submitted that thereafter, the petitioner had repeatedly brought the same to the notice of the authorities of respondent no.1 vide representations annexed as Annexure P-7, P-8, P-10 and P-12 to the effect that the said order has not been complied with. It is further submitted that even though respondent no.1 had written letters annexed as Annexure P-9 and P-11 seeking compliance of the said direction but inspite of a lapse of more than 4 years, the order has not been complied with. Learned counsel for the petitioner has submitted that a detailed letter / representation dated 03.07.2023 (Annexure P-12) was moved by the petitioner giving details of the previous representations and would be satisfied in case respondent no.1 is directed to decide the letter / representation dated 03.07.2023 (Annexure P-12) in a time bound manner after taking into consideration the provisions of Sections 19 and 20 of the RTI Act.

3. Learned State counsel has submitted that every endeavour would be made by respondent no.1 to take action on the letter / representation dated 03.07.2023 (Annexure P-12) as expeditiously as possible preferably within a period of three months from the date of receipt of certified copy of the present order.

4. Keeping in view the above said facts and circumstances, the present petition is disposed of with a direction to respondent no.1 to consider the letter / representation dated 03.07.2023 (Annexure P-12) and decide the same, in accordance with law, as expeditiously as possible, preferably within a period of three months from the date of the receipt of certified copy of the present order and in case, after considering the same,

the plea of the petitioner is found to be meritorious, then appropriate action, in accordance with law, be taken and in case, the plea of the petitioner is not found to be meritorious, then a speaking order, after taking into consideration all the pleas raised by the petitioner, be passed within a period of three months from the date of the receipt of certified copy of the present order. In case any action is required to be taken, an opportunity of hearing be given to all the concerned parties.

5. It is made clear that this Court has not opined on the merits of the case and the respondent no.1 after hearing all the concerned parties, would consider the case as well as any subsequent action, in accordance with law.

(VIKAS BAHL)
JUDGE

September 04, 2023.
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No