

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-28320-2023

Date of decision : 16.12.2023

Yash Dev Sareen

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHLPresent: Mr. Barjesh Mittal, Advocate
for the petitioner.

Ms. Rajni Gupta, Addl.A.G. Haryana.

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondent no.2 to get the order dated 08.03.2021 (Annexure P-7) in Appeal case no.1351/2021 complied with and implemented in toto by directing respondent no.4 to furnish the requisite information as mentioned in communication (Annexure P-6).

2. Learned counsel for the petitioner has submitted that the petitioner had earlier filed a writ petition bearing CWP-12441-2023 in which on 12.07.2023, the following order was passed:-

“2. Learned counsel for the petitioner has referred to order dated 08.03.2021 (Annexure P-7) passed by the Chief Information Commissioner, Haryana. Relevant portion of the same is reproduced hereasunder:-

“6. In view of the above findings, the appeal is decided with the following directions:

i. The SPIO-cum-Executive Engineer (Vigilance), office of the Chief Vigilance Officer, Haryana Shahari Vikas Pradhikaran,

Panchkula shall furnish permissible information to the appellant within fifteen days of the receipt of this order keeping in view the rejoinder dated 08.03.2021.

ii. In case the appellant finds any deficiency in the furnished, he is at liberty to file a specific rejoinder, mentioning clear deficiencies in the furnished information, with the respondent SPIO, with a copy to the Commission, within fifteen days of the receipt of Information.

iii. The respondent SPIO shall further furnish permissible/available information, on the basis of the records of the respondent public authority to the appellant within fifteen days of the receipt of rejoinder.

Announced. To be communicated.

*Place: Chandigarh
Dated: 08.03.2021*

*Sd/-
(Yash Pal Singal)
Chief Information Commissioner,
Haryana”*

3. Learned counsel for the petitioner has further submitted that in view of the directions issued in para 6(ii) of the abovesaid order, she seeks permission of this Court to withdraw the present Civil Writ Petition with liberty to the petitioner to point out the deficiencies, if any, in the information supplied, to the concerned SPIO.

4. In view of the above, the present Civil Writ Petition is dismissed as withdrawn with liberty aforesaid.”

Learned counsel for the petitioner has further submitted that in pursuance of the said order, the petitioner has given a detailed rejoinder dated 08.09.2023 (Annexure P-18) giving the details of the deficiency in the information supplied by the concerned SPIO but however, the concerned SPIO has not submitted any reply to the said rejoinder nor has considered the prayer made by the petitioner. Learned counsel for the petitioner has stated that at this stage, the petitioner would be satisfied in case the said rejoinder is considered by respondent no.4 in a time bound manner and if after considering the same, in case, the plea raised by the petitioner is found to be meritorious, then necessary information be granted to the petitioner.

would consider the said rejoinder and decide the same within a period of 8 weeks from the date of the 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.4 to consider the rejoinder dated 08.09.2023 (Annexure P-18) of the petitioner and decide the same, in accordance with law, as expeditiously as possible, preferably within a period of 8 weeks 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 relief be granted to the petitioner and in case, the plea of the petitioner is not found to be meritorious, then a speaking order rejecting the same be passed within a period of 8 weeks from the date of the receipt of certified copy of the present order.

5. It is made clear that this Court has not opined on the merits of the case and respondent no.4 would consider and decide the rejoinder independently, in accordance with law.

(VIKAS BAHL)
JUDGE

December 16, 2023.
Davinder Kumar

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