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

CWP-28388-2023

Date of decision: 18.12.2023

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.

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 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 disposed of the case by passing the following order:-

“5. In view of above discussions, the Commission disposed off the appeal with the following directions:-

(1) Shri Kanwal Kumar Bhatla, the SPIO-cum-Executive Engineer O/o Panchayati Raj, District Kaithal and Shri Shyam Lal Sharma, the SPIO- cum-Block Development

& Panchayat Officer, Kaithal are directed to offer an opportunity for the appellant to inspect the relevant record in respect to the RTI application dated 07.09.2021 on 7.12.2022 and 8.12.2022 at 11.00 AM and thereafter provide remaining specific information, free of cost on the spot after the inspection under intimation to the Commission. In case, the appellant is keen to get the same information which have already been given to him in past, the same may be given to him after charging the requisite documentation charges @ of Rs. 2/- per pages as prescribed by Govt. of Haryana.

(ii) In case the information sought by the appellant on any point is not available in the office of SPIOs, then the SPIOs are directed to file an Affidavit affirming therein that the requisite information (specifically mentioned) is not available in their office record. The original Affidavit be sent to the appellant within 15 days from the date of receipt of this order and a copy of the same be also sent to the Commission.

(iii) Since the First Appellate Authority failed to decide the appeal within the period as prescribed under the RTI Act, 2005, the FAA-cum-District Development & Panchayat Officer, Kaithal is directed to discharge his obligations under the RTI Act diligently and ensure that all the RTI appeals received by him are decided by issuing speaking order within the specified time limit after affording an opportunity of hearing to the parties.

(iv) 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 RTI Act, 2005.

Announced. To be communicated.”

3. Learned counsel for the petitioner has submitted that the petitioner had earlier filed writ petition bearing No.CWP-1491-2023, in which, a Coordinate Bench of this Court had permitted the petitioner to withdraw the said writ petition with liberty to avail remedy under Section 20 of the Right to Information Act, 2005 (hereinafter to be referred as “the Act”) and, thereafter, the petitioner had moved an application dated 07.02.2023 (Annexure P-9) under Section 20 of the Act but neither any action has been taken on the same nor any information has been supplied to the petitioner. It is further submitted that the petitioner would be satisfied at this stage, in case, the State Information Commissioner is directed to consider the said application dated 07.02.2023 (Annexure P-9) in a time bound manner and in case, the pleas raised by the petitioner are found to be meritorious then to grant necessary relief in accordance with law.

4. Learned State Counsel has submitted that respondent No.2 would consider the said application dated 07.02.2023 (Annexure P-9) in accordance with law, as expeditiously as possible preferably within a period of four months from the date of receipt of certified copy of the present order.

5. Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed of with direction to respondent No.2 to consider application dated 07.02.2023 (Annexure P-9) in accordance with law within a period of four months from the date of receipt of certified copy of the present order and in case, the pleas raised by the petitioner are found to be meritorious then respondent No.2 would grant necessary relief/take appropriate action, in accordance with law and in case, respondent No.2 is of the opinion that the

pleas raised by the petitioner are not meritorious then a speaking order rejecting the same be passed within a period of four months from the date of receipt of certified copy of the present order.

6. This Court has not opined on the merits of the case and respondent No.2 would consider the case of the petitioner independently, in accordance with law.

18.12.2023
Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:-	Yes/No