

CWP-4669-2020

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2024:PHHC:018649

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-4669-2020

Date of decision : 09.02.2024

Sukhdev Singh

... Petitioner

Versus

State Information Commission, Punjab and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Ms.Shivya Sehgal, Advocate
for the petitioner.

Mr.Kunal Muthreja, AAG, Punjab.

Mr.Harsh Aggarwal, Advocate and
Ms.Farheen Bajwa, Advocate
for respondents no.2 and 3.

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition filed under Article 226/227 of the Constitution of India for issuance of an appropriate writ, order or direction in the nature of certiorari quashing the order dated 11.12.2019 (Annexure P-6).

2. Learned counsel for the petitioner has submitted that the petitioner had sought information under the Right to Information Act Act vide application dated 20.02.2019 (Annexure P-1) on 22 different points. It is further submitted that being dissatisfied from the response of the Public Information Officer, the petitioner had filed first appeal which was dismissed vide order dated 10.06.2019. Aggrieved against the same, the petitioner had filed second statutory appeal under Section 19(3) of the Right

to Information Act on 09.07.2019. It is stated that on 11.12.2019 when the matter was listed, counsel for the petitioner was in personal difficulty and he had moved an application for exemption but however the State Information Commissioner instead of adjourning the matter and granting liberty to the counsel for the petitioner to present the case, disposed of and closed the matter. It is submitted that in fact the exemption sought was mentioned in the impugned order. It is argued that the petitioner has a good case on merits and at this stage, would be satisfied in case the order dated 11.12.2019 is set aside and the matter is re-heard by the State Information Commissioner and the order is passed after hearing all the parties concerned.

3. Learned counsel for respondents no.2 and 3 has submitted that the order passed by the State Information Commissioner is in accordance with law and deserves to be upheld. It is further submitted that the points sought to be raised on merits by the petitioner in appeal as well as in the present petition are not meritorious and deserve to be rejected.

4. This Court has heard the learned counsel for the parties and has perused the paper book.

5. A perusal of the order dated 11.12.2019 would show that the second statutory appeal filed by the petitioner has been disposed of in the absence of counsel for the petitioner. It has specifically been recorded in the order that a letter was sent by the counsel for the petitioner seeking exemption. It is the case of the petitioner that the said counsel was in personal difficulty. The petitioner has been agitating his claim inasmuch as he had filed first appeal and thereafter filed second appeal and thus, in the said circumstances and also since the counsel for the petitioner had moved

an application for exemption, the State Information Commissioner should have adjourned the matter and then decided the matter in the presence of the petitioner / his counsel after hearing all the parties concerned. The impugned order is in violation of the principles of natural justice and thus, cannot be sustained.

6. Keeping in view the abovesaid facts and circumstances, the present petition is partly allowed and the impugned order dated 11.12.2019 is set aside and the State Information Commissioner is directed to re-decide the appeal case no.2450 of 2019 after hearing all the parties concerned, in accordance with law, as expeditiously as possible.

7. It is made clear that this Court has not opined on the merits of the case and it would be open to both the sides to raise all pleas available to them before the State Information Commissioner and the State Information Commissioner would consider the same, in accordance with law.

(VIKAS BAHL)
JUDGE

February 09, 2024
Davinder Kumar

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