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

CWP-7587-2024
Date of decision: 04.04.2024

Jagtar Singh

...Petitioner

Versus

State Information Commissioner, Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Rajesh Kumar Dhankhar, Advocate for the petitioner.

Mr. TPS Walia, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Article 226 of the Constitution of India for the issuance of a writ in the nature of certiorari for quashing of order dated 17.11.2022 passed by the State Information Commission, Punjab in second appeal (Annexure P-7) vide which the appeal filed by the petitioner has been disposed of without passing any speaking order.

2. Learned counsel for the petitioner has submitted that the petitioner had moved an application dated 30.04.2021 under the RTI Act and the second statutory appeal filed by the petitioner has been disposed of by passing a cryptic and non-speaking order, without adjudicating the issue involved, and the said judgment is contrary to the settled law and also to the

law laid down by this Court in case titled as **Rajwinder Singh Vs. State of Punjab and others, CWP No.17672 of 2023 decided on 16.08.2023**. It is further submitted that at any rate, the impugned order dated 17.11.2022 (Annexure P-7) deserves to be set aside with directions to respondent No.1 to re-decide the appeal, as expeditiously as possible.

3. Learned State Counsel has submitted that the application filed by the petitioner under the RTI Act was very vague but in view of the law laid down in ***Rajwinder Singh's case*** (Supra), respondent No.1 would re-decide the matter, in accordance with law.

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

5. This Court in the case of ***Rajwinder Singh's case*** (Supra) has held as under:-

“12. This Court has found that in a large number of cases, the authorities including the first Appellate Authority {(while adjudicating the first statutory appeal under Section 19(1))} and the second Appellate Authority {(while adjudicating the second statutory appeal under Section 19(3))} under the Act, have been passing cryptic and non-speaking orders in violation of the judgments passed by the Hon'ble Supreme Court and various High Courts and also in violation of the mandate of the Act of 2005. It is, thus, found necessary to give the following directions to the first Appellate Authority and second Appellate Authority under the Act of 2005 to clearly specify the following at the time of finally adjudicating the case:-

i) The points on which the information is sought by the applicant as per his/her application filed under the Act of

2005.

ii) *The point-wise reply with respect to the information sought.*

iii) *A categorical finding as to whether the information on any of the points has been supplied or not and if supplied, the date on which it has been supplied.*

iv) *In case, it is the stand of the authorities from whom the information is sought that the information sought under a particular point is not to be supplied on account of any bar contained in any provisions of the Act of 2005 or for any other reason, then, after recording the said stand and after considering the submissions made by both the parties with respect to said point/issue, return a finding with respect to the said issue/point.*

v) *Any other observation which the authority deems fit in the facts and circumstances of the case to be recorded.*

13. *The Chief Secretary to the States of Punjab & Haryana and the Advisor to the Administrator, Chandigarh are directed to circulate the judgment passed in the present case i.e. CWP-17672-2023 titled as “Rajwinder Singh Vs. State of Punjab and others” and the judgment dated 13.07.2023 passed in CWP-1877-2022 titled as “Gagnish Singh Khurana Vs. State of Punjab and others” as well as the judgment dated 21.07.2023 passed in CWP-15500-2023 titled as “Gopal Krishan Gupta Vs. Central Information Commission and others”, to all the authorities constituted under the Act for complying with the same.”*

6. The second statutory appeal filed by the petitioner has been disposed of vide order dated 17.11.2022 and relevant portion of the said order is reproduced hereinbelow:-

“4. *Thereafter both the appellant and respondent appear*

before the Bench and the appellant still expresses his dissatisfaction as the information which has been supplied to him is not attested. The documents have been given back to Shri Rajinder Kumar, Panchayat Secretary for attestation and further directed to supply the documents to the appellant duly attested within next two days.

5. *Post deliberations, the Bench also directs the PIO to file an affidavit on non-judicial stamp paper, within 21 days, duly signed by the PIO and attested by the Notary Public to the effect that the information as available in official records has been supplied to the appellant in AC: 3615/2021. It be further stated that nothing has been concealed therein and the information supplied to the Appellant is true and correct. The original affidavit must be sent to the Appellant and the copy of the same be sent to the bench of undersigned.*

6. *With the aforesaid directions, the instant appeal case is disposed off and closed. Copies of the order be sent to the parties.”*

7. A perusal of the above order would show that no adjudication has been done by the State Information Commissioner on the issues involved in the case and a cryptic order has been passed and the said order is not in conformity with the law laid down by this Court in ***Rajwinder Singh’s case*** (Supra).

8. Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is partly allowed and the order dated 17.11.2022 (Annexure P-7) is set aside and respondent No.1 is directed to reconsider the appeal No.3615-2021 filed by the petitioner and decide the same, in accordance with law, as expeditiously as possible, after taking into consideration the law and the directions given by this Court in ***Rajwinder***

Singh’s case (Supra).

9. This Court has not opined on the merits of the case and respondent No.1 would consider the case of the petitioner independently, in accordance with law.

10. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

04.04.2024
Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No