



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-10649-2024
Date of decision : 09.05.2024

Dara Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

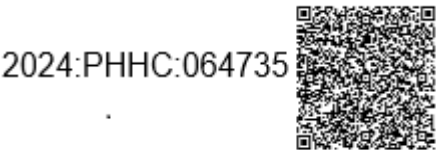
CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Navraj Singh Mahal, Advocate
for the petitioner.

Mr.T.P.S. Walia, AAG, Punjab.

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 decide the second appeal no.2969 dated 05.12.2023 (Annexure P-6).
2. Learned counsel for the petitioner has submitted that the petitioner had filed a complaint under Section 18(1)(e) of the Right to Information Act, 2005 and vide order dated 22.09.2023 (Annexure P-5), the State Information Commissioner, Punjab, had remanded the matter to the first appellate authority and had directed the first appellate authority to treat the copy of the complaint as the first appeal and decide the matter, in accordance with the provisions of the RTI Act after hearing all the parties



concerned. It is further observed that in case the petitioner was not satisfied with the decision of the first appellate authority, it would be open to the petitioner to file a second appeal before the Commission under Section 19 (3) of the RTI Act. It is submitted that since the first appellate authority did not decide the matter in spite of the order dated 22.09.2023, thus, the petitioner had filed a second appeal (Annexure P-6). It is further submitted that however the second appeal dated 05.12.2023 does not contain all the said details, thus, the petitioner would file a fresh second appeal giving all the details within a period of 15 days from today and has prayed that in case of his doing so, respondent no.2 be directed to consider the same, as expeditiously as possible.

3. Keeping in view the above said facts and circumstances, the present writ petition is disposed of with the following terms:-

- i) It would be open to the petitioner to file a fresh second appeal giving all the details / facts.
- ii) In case the said appeal is filed within a period of 15 days, respondent no.2 is directed to consider and decide the same, after hearing all the parties concerned, in accordance with law, as expeditiously as possible, preferably within a period of 5 months from the date of filing of the said appeal.

(VIKAS BAHL)
JUDGE

May 09, 2024
Davinder Kumar

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