



CWP-13546-2024

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

(106)

CWP-13546-2024

Date of decision: - 30.05.2024

Rajesh Jain

....Petitioner

Versus

Central Information Commission and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Narayan Prasad Gupta, Advocate,
for the petitioner.

Mr. Vijay Pal, Senior Panel Counsel,
for the respondents-UOI.

VIKAS BAHL, J. (ORAL)

1. Present petition has been filed under Article 226/227 of the Constitution of India for issuance of an appropriate writ, order or direction especially a writ in the nature of certiorari to quash the impugned order dated 08.03.2024 (Annexure P-1) passed by the Central Information Commission.

2. Learned counsel for the petitioner has submitted that the second statutory appeal filed by the petitioner has been dismissed solely on the ground of limitation. It is further submitted that the order passed by the first appellate authority dated 23.08.2021 was uploaded on 10.06.2022 as apparent from Annexure P-5 and the second appeal was filed on 01.09.2022, which was within 90 days as prescribed and it is, thus, prayed that the impugned order dated 08.03.2024 (Annexure P-1) be set aside



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and respondent No.1 be directed to re-consider the second statutory appeal of the petitioner on merits.

3. Notice of motion to the respondents.

4. On the asking of the Court, Mr. Vijay Pal, Advocate, appears on behalf of respondents No.1 to 3, who is a Senior Panel Counsel of the Union of India and has submitted that in the said facts and circumstances, the matter would be re-considered by the Central Information Commission, but the present order should not be construed as order of directing the Central Information Commission to allow the second statutory appeal.

5. Keeping in view of the above-said facts and circumstances, the present writ petition is partly allowed and the impugned order dated 08.03.2024 (Annexure P-1) is set aside and respondent No.1 is directed to decide the second statutory appeal of the petitioner on merits.

6. It is made clear that this Court has not opined on the merits of the case and respondent No.1 would decide the appeal on merits, in accordance with law and after hearing all the parties concerned.

May 30, 2024
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No