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

CWP-22264-2019(O&M)

Date of decision: 18.11.2024

Rai Singh Sangwan

...Petitioner

Versus

State Information Commission, Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Pardeep Kumar Rapria, Advocate (through V.C.)
for the petitioner.

Ms. Palika Monga, DAG, Haryana.

Mr. Jagdish Manchanda, Advocate for respondent No. 3.

MAHABIR SINGH SINDHU, J.

Present writ petition has been filed under Article 226 of Constitution for issuance of writ in the nature of *mandamus* for directing respondent Nos. 1 & 2 to ensure the compliance of order dated 19.07.2018 (P-4) in Appeal No.3480 of 2018 and order dated 21.01.2019 (P-7) in Show Cause Notice No. 1875 of 2018 in Appeal No. 3480 of 2018, passed by State Information Commission and further directing respondent Nos. 1 & 2 to impose penalty on respondent No. 3, under Section 20(1) of Right to Information Act, 2005 (for short 'Act of 2005').

2. Brief facts of the case are that petitioner filed an application on 28.10.2017 under Act of 2005, before State Public Information Officer (for short 'SPIO'), Municipal Council, Bhiwani. On not receiving any response from SPIO, petitioner preferred appeal vide order dated 21.02.2018 before First Appellate Authority; who directed SPIO to provide desired information to him vide order dated 21.02.2018. However, again no information was provided by SPIO prompting petitioner to file second appeal before State Information Commission (for short 'SIC') and who directed SPIO to provide point wise

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information to petitioner, vide order dated 19.07.2018, but to no avail. Thereafter, petitioner preferred complaint before SIC on 14.08.2018 regarding non-compliance of order dated 19.07.2018 and who imposed penalty of Rs.10,000/- on respondent No.3-Rajesh Mehta and also recommended disciplinary action against him vide order dated 21.01.2019. Lastly, petitioner filed two more complaints dated 25.02.2019 and 26.04.2019 before SIC, but still no information was provided by SPIO. Hence, present petition.

3. Contends that despite availing sufficient time i.e. approximately 7 years, relevant information has not been supplied by the quarter concerned. Further contends that petitioner visited office of Municipal Council, Bhiwani in compliance of order dated 08.12.2022 passed by this Court, but irrelevant files were produced before him and he was not able to inspect the relevant records. Also contends that although the Commission awarded compensation of Rs. 10,000/- to the petitioner, but no disciplinary action has been taken against the erring official(s). Lastly contends that his fundamental right under Article 19 (1) (a) of Constitution has been violated.

4. *Per contra*, learned State counsel submits that desired information has already been supplied to the petitioner through letter memo No. 230/RTI dated 14.08.2019. Further submits that penalty of Rs.10,000/- has also been paid to petitioner vide demand draft No. 019191 dated 25.11.2022 issued by IDBI Bank. Lastly submits that disciplinary action was initiated against SPIO and as a result thereof, minor penalty of 'censure' was imposed upon him.

5. On the other hand, learned counsel for respondent No.3 submits on same lines as that of learned State counsel and opposed the prayer made by petitioner on the ground that desired information has already been supplied to him. Also submits that in compliance of order dated 08.12.2022 passed by this



Court, petitioner did not come forward to collect the desired information; rather he is bent upon just to harass the respondent(s) being a qualified engineer.

6. Heard learned counsel for the parties and perused the paperbook.

7. It is not in dispute that appeal filed by petitioner was disposed off by State Information Commissioner vide order dated 21.01.2019 (P-7) while observing as under:-

“ 4. (i) In exercise of the powers conferred upon it under Section 20(2) of the RTI Act, 2005, the Commission recommends that disciplinary proceedings against Shri Rajesh Mehta, the respondent SPIO-cum-Secretary, Municipal Council, Bhiwani, under the existing Departmental Service Rules be initiated under intimation to the Commission.

(ii) The registry of the Commission shall send a copy of this order to the Principal Secretary to Government of Haryana, Urban Local Bodies Department, Chandigarh for necessary action.

(iii) A sum of Rs. 10,000/- (Rupees Ten Thousand only) is awarded as compensation to the appellant under Section 19(8) (b) of the RTI Act, 2005 for the harassment caused while pursuing his appeal. The department would pay the compensation to the appellant within one month from the receipt of this decision under intimation to the Commission and not later than 21.02.2019.”

8. A bare perusal of the above extract reveals that respondent No. 1 directed respondent No. 3 to pay compensation of Rs.10,000/- to the petitioner under Section 19(8)(b) of Act of 2005 apart from recommending disciplinary proceedings against him at the hands of competent authority. Again not in dispute that minor penalty of ‘censure’ has been imposed upon respondent No.3 by the competent authority.

9. Also noteworthy that on 08.12.2022, learned counsel for respondent No.3 apprised this Court that desired information has already been supplied to the petitioner; however, same was denied by petitioner. Faced with the above situation, learned counsel for respondent No. 3 offered that petitioner would be at liberty to visit the office of Municipal Council, Bhiwani on 14.12.2022 at 11.00 A.M and after inspecting the records can get any other information, he desires, on payment of requisite fee.

10. Learned counsel for the petitioner submits that petitioner had visited the office of SPIO on the appointed date and time, but irrelevant records were produced before him. This plea of petitioner is *ex facie* liable to be rejected for the simple reason that he is a qualified engineer; residing in the same locality and it does not lie in his mouth to say that records so produced were irrelevant. It seems that petitioner is out to harass the respondent No.3 on one pretext or the other; thus there would be no hesitation to observe that he has an ulterior motive under the guise of present litigation.

11. As a result thereof, this Court is fully convinced that writ petition is complete misuse of the process of law; hence, liable to be dismissed with costs.

12. However, taking a lenient view, the petition is dismissed; but, no costs.

Pending application(s), if any, shall also stand disposed off.

18.11.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No