

2024:PHHC:131960



187

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

COCP-3690-2024 (O&M)

Decided on:-01.10.2024

Er. Arun Garg

....Petitioner..

VS.

Sh. Kuldeep Singh Chahal, Commissioner of Police-cum
First Appellate Authority

..Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Er. Arun Garg-petitioner (through V.C).

HARKESH MANUJA J. (Oral)

1. By way of present petition, prayer has been made for initiation of contempt proceedings against respondent on account of alleged willful disobedience and non-compliance of order dated 16.08.2023 passed by this Court in CWP-17672-2023, whereby, the following directions were issued to the authorities under the Right to Information Act, 2005:-

“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."

2. The petitioner in person submits that for the purpose of obtaining status report dated 07.05.2024, filed by the State of Punjab in his four petitions bearing CRM-M-15267, CRM-M-15287, CRM-M-15551 and CRM-M-15557 of 2024, a request dated 23.07.2024 was made by him on the portal, however, the same was not accepted to by the Public Information Officer, but was denied on 22.08.2024.

3. Aggrieved thereof, the petitioner filed first appeal before the Commissioner of Police on 23.08.2024, who rather than accepting the same,

conveyed the petitioner to collect information from the learned Registrar of this Court.

4. In such circumstances, the grievance of the petitioner is that the directions issued vide order dated 16.08.2023 have not been complied with.

5. I have heard the petitioner and gone through the paper book.

6. A perusal of order dated 16.08.2023 shows that certain guidelines have been issued to the authorities under the Right to Information Act, 2005, with respect to passing of the orders on the applications as well as appeals presented before them under the provisions of the said Act. The directions have been issued to the learned Chief Secretaries to the States of Punjab and Haryana and the learned Advisor to the Administrator, U.T., Chandigarh to circulate the judgment passed in CWP-17672-2023, to the authorities under the Right to Information Act, 2005. In the facts of the present case, no material has been placed on record to even *prima facie* reflect any willful or intentional non-compliance of the aforesaid directions by the Authorities. The petitioner always has remedy to assail the order dated 23.08.2024 passed by the First Appellate Authority. Moreover, upon being specifically asked if the petitioner requires copies of status reports, those can be made available to him by the Advocate General Office, Punjab during the day, however, he refused the same while submitting that the present petition was only for initiation of proceedings against the respondent and not for seeking information.

7. As a matter of abundant caution, in addition, the learned Chief Secretaries of the States of Punjab and Haryana as well as the learned Advisor to the Administrator, U.T., Chandigarh; the State Information Commissioner for the States of Haryana, Punjab and UT Administration, Chandigarh are requested to apprise the authorities under the Right to Information Act, 2005 about the directions issued by the Writ Court vide its order dated 16.08.2023 for its

necessary compliance.

8. Accordingly, the present petition is dismissed.

01.10.2024
sonika

(HARKESH MANUJA)
JUDGE

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