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

**CWP-17704-2020 (O&M)
Date of Decision: 22.09.2025**

RAJINDER KUMAR GUPTA

-PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Gaurav Tyagi, Advocate,
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ petition filed under Article 226/227 of the Constitution of India, a challenge is thrown to the order dated 30.10.2019 (Annexure P-12), whereby, invoking Section 20 (1) of the Right to Information Act, 2005 (hereinafter referred to as the 'RTI Act') a penalty of Rs.25,000/- has been imposed on the then BDPO, to be recovered from his salary at the rate of Rs.5,000/- per month,

2. The petitioner, who was posted as a BDPO, at the relevant time, has been fastened with the liability of penalty, which propelled him to file the instant petition.

3. The instant case arises out of an RTI application dated



08.12.2017, preferred by respondent no.6-Sukhchain Singh, under the provisions of the RTI Act, seeking some information with regard to the execution of work under MANREGA scheme. Fetching grievance on account of wrong information provided by the Public Information Officer (PIO), respondent no.6, preferred an appeal before the learned Punjab State Information Commission. During the pendency of the said appeal, before the learned Commission, the present petitioner once caused appearance, and submitted that he has recently joined the post of BDPO, and therefore, there is no willful delay on his part, however, some of the informations, as sought by respondent no.6, have already been supplied, through the registered post in the month of November, 2018. But that information was found to be deficient and uncertified according to him. The learned Commission, finding the information huge and voluminous, and providing the xerox copy of the entire record would disproportionately divert the resources of the office of the PIO, it was directed to the present petitioner to arrange an inspection of record in his office by Sukhchain Singh (respondent no.6), on a prefixed date and time, and also directed that in the meanwhile, the petitioner (BDPO) shall arrange the certification of the documents, which were already sent to the Sukhchain Singh (respondent no.6).

4. A perusal of the impugned order reflects that one Prabhjit Singh, Panchayat Secretary also caused appearance in person, and he showed his inability to certify the photocopies in the absence of original



record, which has not been handed over to him on his joining, following the death of the Sarpanch concerned. Thereupon, the learned Commission, gave a direction upon the BDPO to look into the factual aspects, and to ensure the arrangement of the procurement of record from the successors of the then Sarpanch, and hand it over to the current incumbent. The said direction was not complied with by the BDPO, which was the reason for the learned Commission to impose the penalty upon the present petitioner.

5. Learned counsel for the petitioner, in order to throw challenge to the impugned order submits that the learned Commission, has not taken into consideration that it was the duty of the PIO to make information available to the applicant (respondent no.6), whereas, he was never appointed as PIO, rather he is posted as a BDPO in that office, and PIO in that office is the then Panchayat Secretary. He further submits that 82 days prior to the date of passing of the impugned order, the petitioner was transferred.

6. This Court has heard the submissions, as made by learned counsel for the petitioner, and has perused the entire case file.

7. Respondent no.6 (Sukhchain Singh), who is an RTI applicant, has never caused appearance before this Court. It seems that he must be satisfied with the information provided to him.

8. Further, there is nothing on record to dispel, the submissions as made by learned counsel for the petitioner.



9. In view of the unrebutted submissions, as made by learned counsel for the petitioner, this Court is of the considered view that the interference is required in the impugned order. Therefore, the penalty of Rs.25,000/-, as imposed upon the present petitioner vide impugned order, is waived off.
10. It is further directed that no further action is required to be taken against the present petitioner on account of impugned order.
11. **Disposed of** accordingly.

September 22, 2025
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No