



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

(1) 215

CWP-18889-2018

Date of decision: 03.02.2025

DHEERAJ CHAHAL

...Petitioner

VERSUS

STATE INFORMATION COMMISSION, HARYANA AND ANR

...Respondents

(2) 216

CWP-21331-2018

SHALINI CHETAL

...Petitioner

VERSUS

STATE INFORMATION COMMISSIONER AND OTHERS

...Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rahul Bora, Advocate for
Mr. Amit Khatkar, Advocate
for the petitioner (in CWP-18889-2018)

Mr. Anurag Jain, Advocate,
Mr. Rahul Choudhary, Advocate and
Ms. Chahat, Advocate
for the petitioner (in CWP-21331-2018)

Mr. Saurav Girdhar, AAG, Haryana.

**HARSIMRAN SINGH SETHI , J.(ORAL)**

1. This judgment shall decide the aforementioned writ petitions where the issue involved in both the petitions is common but in order to decide the controversy, the facts of CWP-18889-2018 are being mentioned for adjudication of both the writ petitions.

2. In the present petition, the grievance being raised by the petitioner is that a sum of ₹ 25,000/- has been imposed as penalty under the Right To Information Act, 2005 upon the petitioner and that too without noticing the appropriate facts.

3. Learned counsel for the petitioner argues that one Surrender Saini sought information vide his application dated 10.01.2017 (Annexure P-1) and the same was supplied to him on 11.12.2017 (Annexure P-4). A notice under Section 20 (1) of RTI Act, 2005 (hereinafter called 2005 Act) was issued to the petitioner-Dheeraj Chahal on 12.02.2018 as to why penalty should not be imposed under Section 20 of the 2005 Act. Consequently, the Information Commission passed an order on 09.04.2018 (Annexure P-7) that as the information has been delayed, a penalty of ₹ 25,000/- is being imposed upon the petitioner.

4. After the said order has passed, an application was duly submitted by the petitioner before the Information Commission putting forth that his argument that he had only joined 10 days before the complete information was supplied to him on 11.12.2017, and therefore, there was no inordinate delay on his part so as to be penalized, the said plea was rejected



by the Commission vide order dated 12.06.2018 (Annexure P-9). Hence the present petition.

5. Learned counsel for the petitioner argues that once the penalty had been imposed upon the petitioner, appropriate facts should have been mentioned as to exactly how much delay was attributable to the petitioner before imposing the penalty. Learned counsel submits that without verifying the actual facts as to how much delay was attributable to the petitioner at the relevant time, the penalty that has been imposed upon the petitioner is arbitrary, harsh and against the evidence available on record.

6. Learned counsel for the respondent-State submits that as the order has been passed by the State Information Commission after noticing all the facts and the writ petition be dismissed.

7. I have heard the learned counsel for the parties and have gone through the record with their able assistance.

8. Whenever a penalty is to be imposed upon an employee for delaying the information, it is pertinent to clearly show as to how the delay is attributed to the said Officer, this particular fact has to be noticed and the relevant facts should be recorded. In the present case, the only facts which have been mentioned here are that on 10.01.2017 the information was sought by the petitioner, which was delayed by 01 year approximately and was ultimately given on 11.12.2017 due to which the penalty has been imposed. The argument of the petitioner is that he had only joined the department as SPIO in December, 2017 and the required information was supplied to the concerned person within a period of 10 days after his joining and such an important piece of information has not been noticed and discussed while passing the impugned order. Nothing has come on record to



show that the petitioner joined in December, 2017 and has released the information within a period of 10 days. Keeping in view the facts and evidence on record, the order is incorrectly passed by the Commission imposing the penalty upon the petitioner cannot be sustained owing to the fact that the delay in releasing the information cannot be attributed to the petitioner.

9. Similar is the case of the other petitioner as nothing has come on record or even in the impugned order as to how petitioner in CWP No.21331 of 2018 is responsible for the delay in releasing the information.

10. Keeping in view of the above, the impugned orders passed in both the petitions are hereby set aside and the writ petitions are allowed in the above terms.

03.02.2025
Nisha Yadav

(HARSIMRAN SINGH SETHI)
JUDGE

<i>Whether reasoned/speaking?</i>	<i>Yes/No</i>
<i>Whether reportable?</i>	<i>Yes/No</i>