



207

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

**CWP-26181-2018
Date of Decision :12.08.2025**

JASBINDER SINGH

.....Petitioners

VERSUS

STATE INFORMATION COMMISSION AND ANOTHER
.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Namit Gautam, Advocate,
for the petitioner.

Mr. Kartikeya Swaroop Mehta, Advocate,
for respondent no.3.

Mr. Amandeep Singh Sidhu, Advocate for
Mr. S.P.S.Adlakha, Advocate,
for respondent no.6.

None for remaining respondents.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, a challenge is thrown to the order dated 10.05.2018 (Annexure P-3), passed by the State Information Commission, Punjab-respondent no.1, whereby, a penalty of Rs.25,000/- has been imposed upon the petitioner for causing delay in supplying the requisite information under the provisions of the Right to Information Act, 2005 (for short the 'RTI Act'). The petitioner further seeks quashing of order dated 05.09.2018 (Annexure P-7), whereby, respondent no.1 has



Awarded a compensation Rs.4,000/- to respondent no.2 (complainant), which has been ordered to be paid by the public authority, i.e. Commissioner of Police, Ludhiana.

2. Learned counsel for the petitioner, in an attempt to throw challenge to the orders (*supra*), submits that the petitioner remained posted at the concerned post only for a period of four months i.e. from 11.08.2017 to 29.01.2018, whereas, the case remained pending with the State Information Commission, from dated 16.02.2018.

3. He further submits after passing of the order dated 10.05.2018, imposing penalty of Rs.25,000 upon the petitioner, he filed a detailed explanation with the State Information Commission concerned, however, while ignoring the same, the order of imposition of penalty was confirmed vide impugned order dated 05.09.2018 (Annexure P-7).

4. He next submits that there was no *mala fide* intention on the part of the petitioner to deliberately cause delay in providing requisite information under the RTI Act to the complainant-respondent no.2.

5. He also submits that the State Information Commission concerned, has failed to consider relevant aspects, including identifying the officer, who is actually responsible for the delay in providing the requested information. Instead, in a casual and cursory manner, it imposed a penalty of Rs.25,000/- on the petitioner, merely because he was posted at the said office during the relevant period.

2025:PHHC:105171



6. He further draws attention of this Court on the tenure of posting of different officers, from November 2016 to May 2018, to submit that his tenure on that post was only for four months. The officers alongwith their tenure is extracted hereinafter in a tabular form:-

1	Insp. Gurvinder Singh 365/P.R.	Period of posting from 5.11.2016 to 2.4.2017
2	S.I.Manjit Kaur 6/SFCT	Period of posting from 3.34.2017 to 28.4.2017
3	Insp. Harpal Singh 452/P.R.	Period of posting from 28.4.2017 to 23.6.2017
4	Insp. Vijay Kumar 109/P.R.	Period of posting from 23.6.2017 to 11.8.2017
5	Insp. Jasbinder Singh 596/P.R.	Period of posting from 11.8.2017 to 29.1.2018
6	Insp.Mohd. Jameel 436/P.R.	Period of posting from 29.1.2018 to 12.5.2018
7	Insp. Birbal Singh	Period of posting from 12.5.2018

7. He, in addition, submits that, during the said period, only four hearings were scheduled before the State Information Commission. The reasons for the delay in providing the information were duly explained in detail in his written explanation, as sought by the Commission, however, same was not considered at all while confirming the penalty imposed upon the petitioner through impugned order (*supra*). The said explanation is extracted hereinafter:-

“.....When the case came to my knowledge on having fixed the date of hearing for 15.9.2017, I sought relevant record reco: regarding providing information to applicant from M.H.C. of Police Station, but the required record was not provided to me, because [F.I.R.](#) no. 380 dated

2025.PHHC:105171



9.9.2017 U/s. 308, 166-A IPC Police Station Jodhewal was registered on 9.9.2017 against H.C. Om Parkash 47/LDH, M.H.C. of Police Station, on which, H.C. Om Parkash, M.H.C. was immediately arrested and confined to jail. A copy of said F.I.R. is enclosed herewith. However, when I did not receive concerned record till next date of hearing i.e. 15.9.17, I made understand entire facts to special messenger H.C. Rajinder Kumar 2135/LDH and sent him before Hon'ble Commission, but he could not pursue the case before Hon'ble Commission in proper manner. During this period, I made numerous efforts to locate record pertaining to information sought by applicant, but the said record could not be availed. In this regard, I also obtained an affidavit from newly posted MHC H.C. Radhy Shyam for submitting the same before Hon'ble Commission, a copy of which is enclosed herewith. However, the required record could not be availed. Meanwhile, dispute regarding Dera Sacha Sauda arose, due to which, I, being S.H.O. of Police Station, was busy in managing Law order duties. During this period, Punjab's well renowned Ravinder Gosain Machhar incident belonging to R.S.S. took place within limitation & of my Police Station, regarding which, a copy of F.I.R. No. 442 dated 34 to 17.10.2017 U/s.302, IPC Police Station Jodhewal is enclosed herewith. Hence due registration of said two cases and having no relevant record, I could not pursue the matter in Compliant Case No. 28/17 on three dates of hearings i.e. 18.8.17, 3.10.17 & 21.12.17. Then on 29.1.2018, I got transferred from Police Station Basti Jodhewal.”

8. This Court has perused the order passed by the State Information Commission, and finds that there is no reason assigned therein, as to how the petitioner is responsible for causing delay in not providing information, specifically, considering that his tenure lasted only four months. Furthermore, the explanation given by the petitioner was not considered while confirming the penalty vide order dated 05.09.2018. Since the impugned orders are entirely non-speaking and the requisite information, has now been undisputedly supplied to the complainant/ respondent No. 2, this Court is of the considered view that the impugned



orders requires interference to the extent that the penalty imposed upon the petitioner, is hereby **set aside**.

9. As regards the prayer in the present petition for quashing the order imposing compensation of Rs.4,000/-, this Court is of the opinion that such prayer is a misconceived, as the compensation is to be paid by the Commissioner of Police, Ludhiana. Therefore, the petitioner cannot possibly be aggrieved by such a direction. Accordingly, this Court declines to entertain the said prayer made by the petitioner

10. Consequently, the instant petition is, **disposed of** accordingly.

August 12, 2025
dharamvir

(KULDEEP TIWARI)
JUDGE

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