



CWP-21567-2020

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

(204)

CWP-21567-2020

Date of Decision : 05.09.2025

Arun Kumar Aggarwal

...Petitioner

Versus

State Information Commission, Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Arjun Kundra, Advocate and
Mr. Aniket Aggarwal, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

Mr. Arvind Seth, Advocate
for respondents No.3 to 5.Mr. Aaryan Kargwal, Advocate for
Mr. Navkesh Singh, Advocate
for respondent No.6.

None for respondent No.7, despite service.

KULDEEP TIWARI, J. (ORAL)

1. The main grievance, which is raised before this Court, is that an order dated 13.10.2020 (Annexure P-15), has been passed by the respondent No.1-State Information Commission, Haryana, where through, the penalty of Rs.25,000/- has been imposed upon the petitioner, considering him to be the State Public Information Officer (SPIO), concerned.

2. The instant petition has been filed under Articles 226/227 of the Constitution of India, seeking quashing of the order dated 13.10.2020 (Annexure P-15), as well as, order dated 11.09.2015 (Annexure P-9), passed



by the respondent No.1, wherethrough, the application of the petitioner for modification of the order dated 10.08.2015, was dismissed, and further quashing of order dated 10.08.2015 (Annexure P-7), wherethrough, the penalty of Rs.25,000/-, was sought to be recovered from the petitioner.

3. While drawing the attention of this Court towards Annexure P-6/A, learned counsel for the petitioner submits that the petitioner was appointed as SPIO on 25.05.2015, whereas, at the relevant time, when the delay was caused in supplying the requisite information to the applicant/respondent No.7, the petitioner was not the SPIO, rather the respondent No.6, was the SPIO concerned. He further submits that the petitioner has also filed an application before the State Information Commission, bringing all the facts, and to modify the order of imposition of penalty of Rs.25,000/-, upon the petitioner. However, the said application was not decided, and the petitioner has filed CWP-24710-2017, before this Court, which was disposed of, vide order dated 06.11.2017, with the observations that the application pending before the State Commission, be decided as per law, if found maintainable. The relevant is extracted hereinafter :-

“Petitioner has posed a challenge to order passed by the State Information Commission, Haryana, whereby penalty of Rs.25,000/- has been imposed upon him. His plea is that on the relevant date, he was not the SPIO. He has already filed application (Annexure P-15) for modification of the order. According to him, same has not been decided.

Petition is disposed of with the observation that in case application (Annexure P-15) is pending before the State Commission, same be decided as per law, if found maintainable. Same be decided expeditiously, preferably within one month.”



4. Thereupon, the said application was simply consigned and no speaking order was passed by the Commission concerned.

5. This Court has considered the submissions, as made by the learned counsel for the petitioner.

6. On 10.08.2015, the Chief Information Commissioner, Haryana, has passed the hereinafter extracted direction, while deciding the appeal preferred by the applicant/respondent No.7 :-

“4. In view of the above findings the matter is decided as under:

- (I) A penalty of Rs. 25000/- (Rs. Twenty Five Thousand Only) Is Imposed upon the SPIO-cum-District Attorney (HQ) office of the Chief Administrator, HUDA, Panchkula to meet the requirements of the RTI Act, 2005 which shall be recovered in four installments from his salary and deposited into the Head of Account "0070-Other Administrative Services-60-Other Service-800-Other Receipt-86 Fee under the Right to Information Act, 2005" or It can be deposited by sending demand draft to the Commission in favour of Account Officer, State Information Commission, Haryana payable at Chandigarh within four month of the receipt of this order.*
- (II) The SPIO-cum-Estate Officer, HUDA, Sirsa shall supply another copy of Information through registered post alongwith authenticated documents which he supplied vide letter dated 04.03.2015 to the appellant within two weeks from the receipt of this order. He shall send a compliance report thereafter to the Commission latest by 09.09.2015.*
- (III) In case the appellant is not satisfied with the documents received from the SPIO-cum-Estate Officer, HUDA, Sirsa he can visit his office after*



giving prior Intimation for inspection of record and obtain identified information restricted to 20 pages free of cost.

(IV) *The Commission's Secretariat is directed to send a copy of the order to the Chief Administrator, HUDA, Panchkula for ensuring the implementation of the order by recovering the amount of penalty from the concerned SPIO as ordered above.”*

7. It is informed to this Court, and which is also not disputed by the learned counsel for respondents No.3-HSVP, that the requisite information has already been supplied to the applicant/respondent No.7. This Court has also perused the order dated 11.09.2015 (Annexure P-9), wherethrough, primarily on account of absence of the petitioner before the Commission, the latter has proceeded to impose the penalty.

8. It is also informed to this Court that the petitioner has already retired from his services, upon attaining the age of superannuation. Even, the respondent No.6, who was the SPIO concerned, at the relevant time, has also retired. The requisite information has already been supplied to the applicant/respondent No.7.

9. In view of the above, the order dated 10.08.2015 (Annexure P-7), wherethrough, the penalty of Rs.25,000/- was imposed, upon the petitioner, is modified, to the extent that the said penalty is waived off.

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

(KULDEEP TIWARI)
JUDGE

September 05, 2025
Manpreet

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