



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

**CWP-18515-2023**

**Date of Decision : 29-01-2025**

**SURINDER KUMAR**

**.....Petitioner**

**VERSUS**

**STATE INFORMATION COMMISSIONER, HARYANA AND ORS.**

**.....Respondent(s)**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Bhagwan Singh, Advocate for the petitioner.

Mr. Saurabh Girdhar, AAG Haryana.

None for respondent Nos.3 to 6.

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

1. In the present petition, the grievance being raised by the petitioner is that without even issuing any show cause notice under Section 20 of the Right to Information Act, 2005, a penalty of Rs.25000/- has been imposed vide order dated 29.03.2017 (Annexure P-12) only on the ground that one Sandeep Kumar, to whom the show cause notice was issued, had mentioned that information was to be supplied by the petitioner.

2. Learned counsel for the petitioner submits that in case, the said averment was to be accepted, then also, the petitioner should have been heard by giving a due show cause notice under the 2005 Act and after considering his reply, any order could have been passed.

3. Learned counsel for the respondent-State does not dispute that no show cause notice was issued to the petitioner and the show cause notice dated 08.08.2016 and 19.01.2017 under Section 20 of the Right to

Information Act, 2005 was issued to one Sandeep Kumar who was the SPIO-cum-DMS of the respondent-Department.

4. I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

5. Once, as per Section 20 of the Right to Information Act, 2005, penalty can only be imposed after giving due show cause notice to the person concerned and after considering the reply so filed, the present imposition of penalty upon the petitioner is contrary to the provisions of the Right to Information Act, 2005.

6. Concededly, no show cause notice was issued to the petitioner before imposing the penalty vide order dated 29.03.2017 (Annexure P-12) and even after the said impugned order was sought to be reviewed, said plea was rejected on 15.06.2023 (Annexure P-20) on the ground that the said order cannot be reviewed.

7. It is a conceded position that the penalty has been imposed upon the petitioner without giving him any opportunity of hearing hence, the impugned order dated 29.03.2017 (Annexure P-12) cannot be sustained and is accordingly set aside.

8. Present petition is allowed in above terms.

9. Pending application, if any, also stands disposed of.

29-01-2025  
Sapna Goyal

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

NOTE:

Whether speaking: YES  
Whether reportable: NO