

2025:PHHC:015735



**CWP-12360-2016 and :1:
CWP-15758 of 2016**

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

101+212

**CM-15985-CWP-2024 in/and
CWP-12360-2016 (O&M)
Date of decision : 03.02.2025**

RAJESH KAUSHIK

..... Petitioner

VERSUS

STATE INFORMATION COMMISSION, HARYANA & ORS

..... Respondents

2.

**CM-15855-CWP-2024 in/and
CWP-15758-2016 (O&M)**

RAJESH KAUSHIK

..... Petitioner

VERSUS

STATE INFORMATION COMMISSION, HARYANA & ORS

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. Jayoti Parshad Sharma, Advocate
for the petitioner.

Mr. Saurabh Girdhar, AAG, Haryana.

Harsimran Singh Sethi, J. (Oral)

**CM-15985-CWP-2024 in CWP-12360-2016 with
CM-15855-CWP-2024 in CWP-15758-2016**

These applications are for placing on record the true copy of
order dated 05.03.2015.

Applications are allowed as prayed for.



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CWP-15758 of 2016**

True copy of order dated 05.03.2015 is taken on record, subject to just exceptions.

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1. By this common order, two writ petitions, the details of which have been given in the heading, are being decided as both these petitions involve the same question of law on similar facts.

2. In the present petitions, the challenge is to the orders dated 30.03.2016, 01.04.2016 and 17.03.2016 (Annexures P-6 to P-8) in CWP-12360-2016 and orders dated 14.06.2016 (Annexure P-3 and P-6) in CWP-15758 of 2016 by which, the petitioner has been imposed penalties having failed to supply the information keeping in view the order passed by the Information Commission Haryana dated 02.03.2015.

3. Learned counsel for the petitioner argues that the petitioner was only given the charge of the post of SPIO-cum-Executive Engineer on 05.03.2015 and thereafter, he had supplied all the information required hence, penalty imposed upon him vide impugned order dated 17.03.2016 (Annexure P-8) is incorrect and liable to be *set aside*.

4. Learned counsel appearing on behalf of the State submits that the order was passed by the Information Commission on 02.03.2015 directing the respondents to release the information but, the information was not released. Learned State counsel further submits that not only this, the petitioner even failed to reply to a show cause notice issued under Section 20 of the Right to Information Act, 2005 for imposing penalty upon the petitioner and even failed to appear so as to defend the same hence,



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challenging the order imposing the penalty by the State Information Commission needs no interference by this Court.

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

6. The only ground raised by the petitioner for challenging the penalty imposed is that on 02.03.2015, the petitioner was not having the charge of the SPIO so as to grant the information hence, the penalty should not have been imposed upon him. In this regard, it may be noticed that order has been passed on 02.03.2015 directing the SPIO to release the information. Concededly, on 05.03.2015 the charge was given to the petitioner and the petitioner failed to supply the said information.

7. Not only this, when the petitioner was issued a notice under Section 20 of the Right to Information Act, he not only failed to submit the reply but also failed to appear before State Information Commission to submit his explanation which is clear from the order passed by the commission. The relevant paragraph 4 is as under:-

“4. The case has been considered carefully and record of the case file perused. The Commission observes that in compliance with its order dated 02.03.2015, Sh. Rajesh Kaushik, the then respondent SPIO-cum-Executive Officer, Municipal Corporation, Panipat not only failed to furnish the requisite information to the appellant, but also failed to pay the compensation awarded to him. The Commission further observes that Sh. Rajesh Kaushik is not present for defending the penal proceedings initiated against him without any intimation or reasonable cause. The Commission is of the view that he has been given reasonable



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opportunities for defending the penal proceedings initiated against him, but failed to do so. The Commission is also of the view that Sh. Rajesh Kaushik is neither concerned about the commission's orders nor is serious in implementing provisions of the RTI Act in letter and spirit. Therefore, the Commission finds Sh. Rajesh Kaushik, the then SPIO-cum-Executive Engineer, Municipal Corporation, Panipat liable for penal action.”

8. Learned counsel for the petitioner has not been able to rebut the said factual position narrated in the impugned order.

9. Once, the petitioner has not rendered any reply to the show cause notice issued to him under Section 20 of the Right to Information Act, 2005 and did not appear to defend the imposition of penalty, challenging the same before this Court cannot be allowed.

10. Keeping in view the above, no ground is made out for any inference by this Court and present petitions are dismissed.

11. Pending applications, if any, also stand disposed of accordingly.

12. A photocopy of this order be placed on the connected case file.

**(HARSIMRAN SINGH SETHI)
JUDGE**

03.02.2025

Rimpal

Whether speaking/reasoned	Yes
Whether Reportable :	No