



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

**CWP-5048-2019 (O&M)
Date of Decision : 29-04-2025**

**SPIO-CUM-DEPUTY CHIEF EXECUTIVE OFFICER ZILA
PARISHAD GURUGRAM**

.....Petitioner

VERSUS

STATE INFORMATION COMMISSION HARYANA AND ORS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Arjun Sheoran, Advocate and
 Mr. Rohan Gupta, Advocate for the petitioner.

 Mr. Saurabh Girdhar, AAG Haryana.

 None for respondent No.3.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the grievance being raised by the petitioner is that by the impugned order dated 30.11.2018 (Annexure P-11), a penalty of Rs.25,000/- has been imposed upon the petitioner but the same has been done without appreciating the correct facts.

2. Learned counsel for the petitioner argues that for the hearing fixed on 30.11.2018 before the State Information Commission, the petitioner had authorised an officer of the Department to appear before the Information Commission but due to some medical exigencies, the said officer could not

appear and ultimately an order imposing the penalty of Rs.25,000/- upon the petitioner was passed by respondents.

3. Learned counsel for the petitioner submits that non-appearance of the petitioner before the Information Commission was not intentional but circumstantial hence, the impugned order passed by the Information Commission dated 30.11.2018 (Annexure P-11) imposing the penalty upon the petitioner may kindly be set aside.

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

5. It may be noticed that the Commission had already passed an order dated 21.09.2018 (Annexure P-7) directing the State Public Information Officer to comply with the demand of the information sought by respondent No.3-applicant and supply the required information to the applicant failing which, action will be taken against the petitioner under Section 20 (1) of the Right to Information Act, 2005. As the information sought by applicant respondent No.3 was not supplied, the proceedings were initiated against petitioner under Section 20 (1) of the Right to Information Act, 2005 and even in those proceedings, the petitioner did not appear which led to the passing of impugned order dated 30.11.2018 (Annexure P-11).

6. The argument of the petitioner is that an officer of the Department was authorised to appear on behalf of the petitioner and the said officer could not appear in the proceedings due to medical urgency, cannot be accepted as, there is no question of delegation of the duties to anyone else than the one who has been specifically notified to perform the said duties. Once, the petitioner was the State Public Information Officer, it was his duty

to comply with the order dated 21.09.2018 (Annexure P-7) so as to supply the information sought by respondent No.3-applicant, which has not been supplied as per the impugned order dated 30.11.2018 (Annexure P-11).

7. Once, the order dated 21.09.2018 (Annexure P-7) has not been complied with by the petitioner-SPIO, the imposing of the penalty upon the petitioner-SPIO by Information Commission, which is within the jurisdiction of the Information Commission, needs no interference at the hands of this Court. No ground is made out for any interference by this Court in the facts and circumstances of the present case.

8. Present petition stands dismissed.

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

29-04-2025
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES
Whether reportable: NO