

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CWP No.10199 of 2023****Date of decision: 22.09.2025****Samaya Pal****.... Petitioner****Vs.****State Information Commission and others****.... Respondents****CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Karamveer Singh Banyana, Advocate,
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

None for respondent No.4.

KULDEEP TIWARI, J (Oral)

1. Through the instant petition, a *Certiorari* is prayed for, to quash the order dated 18.01.2021 (Annexure P-4) passed by the State Information Commission, Haryana (hereinafter referred to as, 'the Commission'), and also the subsequent orders dated 07.12.2021 (Annexure P-6) and dated 07.01.2022 (Annexure P-9).

2. The Commission, while exercising the powers vested in Section 20 (1) of the Right to Information Act, 2005 (hereinafter referred to as, 'the RTI Act'), vide order dated 18.01.2021, imposed a penalty of Rs.25,000/- upon the petitioner, on account of the delay that has occurred in providing the information under the RTI Act, to respondent No.4.

3. Succinctly, respondent No.4 filed an application dated 02.11.2018 for seeking information under the RTI Act, however, no information was provided by the State Public Information Officer-cum-Secretary, Municipal Committee, Bawal, District Rewari (SPIO). He preferred an appeal before the First Appellate Authority, however, the result remained the same, which propelled him to file a complaint before the Commission. During the pendency of the second appeal, a show cause notice was served upon the SPIO on 18.7.2019, and the following directions were passed:-



- “(i) The respondent SPIO-cum-Secretary, Municipal Committee, Bawal, District Rewari shall furnish complete information point Nos. 6, 7, 9, 10, 12, 13, 14, 15, 17 & 18 to the appellant within two weeks of receipt of the order under intimation to the Commission.**
- (ii) The appellant shall clarify information on point Nos. 19 & 21 to the respondent SPIO within one week of receipt of the order.**
- (iii) The respondent SPIO Secretary, Municipal Committee, Bawal, District Rewari on receipt of the clarification from the appellant shall furnish the information on these points within two weeks of receipt of the clarification under intimation to the Commission.**
- (iv) The respondent SPIO Secretary, Municipal Committee, Bawal, District, Rewari shall also transfer the appellant’s RTI application on point No.16 to the concerned SPIO within one week of receipt of the order under intimation to the Commission.**
- (v) The respondent SPIO Secretary, Municipal Committee, Bawal, District Rewari shall also furnish his duly sworn affidavit to the appellant that information on point no.8 is not available with them within one week of receipt of the order and also furnish copy of the affidavit to the Commission.**
- (vi) A show cause notice shall be issued under Section 20 (1) of the RTI Act to the respondent SPIO-cum-Secretary Municipal Committee, Bawal, District, Rewari asking him to show cause as to why penalty @ Rs.250/- subject to maximum of Rs.25,000/- for each day of delay in transferring and furnishing the information to the appellant in this case be not imposed upon him. He shall submit his reply to the show notice by 25.09.2019 and be personally present during the hearing on 16.10.2019 at 11.00 AM (in the office of Deputy Commission Rewari). If there are other persons responsible for the delay in providing information to the appellant, the SPIO is directed to inform such persons of the show cause notice and direct them to**



forward a response to the Commission in writing and also by appearing in person on the next date of hearing for which no further opportunity shall be granted.”

4. Post issuance of a show cause notice, the petitioner was posted as Secretary Municipal Committee, Bawal, and he assumed charge on 19.12.2019. This aspect is clear from Annexure P-2, which is a joining report. Thereafter, the petitioner filed a reply to the show cause notice and informed the Commission that at the relevant time, he was not SPIO; therefore, he is not required to answer the show cause notice. It is further informed that so far as other directions are concerned, the same have been complied with. The Commission, considering the fact that the SPIO concerned, despite a show cause notice, neither filed a response nor caused appearance before the Commission concerned, and thereupon imposed a penalty of Rs 25,000/-.

5. Learned counsel for the petitioner submits that the order of imposing penalty required interference on the ground that the petitioner was not the concerned SPIO when a show cause notice was issued. Even when the application preferred by respondent No.4 under the RTI Act, he was not posted at the Municipal Committee, Bawal. He further submits that this aspect is clearly mentioned in the application filed before the Commission, however, the same was not considered in the right perspective. He further draws the attention of this Court towards the application moved by respondent No.4 before the Commission, who categorically informed that at the relevant time, Karamveer Singh Yadav was posted as SPIO and not the petitioner. He further asserts that despite such information provided, the order imposing a penalty of Rs 25,000/- upon the petitioner is, in fact, erroneous. Learned counsel for the petitioner also draws the attention of this Court towards the reply filed on behalf of respondent No.4 to the instant petition, wherein he categorically took a stand that one Karamveer Yadav, was posted at the relevant time as SPIO. The relevant part is extracted hereinafter :

“5. That the answering respondent is a senior citizen of 77 years of age suffering from many diseases and still under treatment. The answering respondent suffered a lot mentally, physically and economically due to the not providing of information by the then SPIO cum Secretary Sh. Karamveer Yadav and the amount of penalty and compensation may be paid to the answering respondent by making recovery from the defaulter SPIO cum Secretary MC Bawal, Sh. Karamveer Yadav.”



6. Today, no one has caused appearance on behalf of respondent No.4.
7. Learned State counsel, on the other hand, submits that there is no dispute about the fact that, as delay has been caused by the office of SPIO in providing the information under the RTI Act, no interference is required in the impugned orders. He further submits that despite notice issued by the Commission, the petitioner ought to have caused an appearance in person and respond to the show cause notice, but it is the petitioner who opted to remain silent throughout the proceedings and filed the instant petition only when the penalty of Rs 25,000/- has been imposed upon him. Therefore, on account of his own act and conduct, the petitioner does not have the right, now, to agitate by filing the instant petition.
8. This Court has considered the submissions made by learned counsel for the parties and perused the entire record.
9. The facts, qua which there is no wrangle, are that, at the relevant time, when the original application was moved by respondent No.4, and a show cause notice was issued by the Commission, the petitioner was not posted as SPIO. Further, there is also no wrangle that all other averments mentioned by the petitioner in his application before the Commission, and duly mentioned by respondent No.4 in his reply before this Court, as well as before the Commission, have not been taken into consideration. In case the show cause notice was issued to the SPIO concerned, it was not the duty of the petitioner to take responsibility for the other office and give an explanation on their behalf. This Court is of the considered view that the Commission has committed a factual error in this regard and imposed a penalty on the wrong officer.
10. As a result, the orders dated 18.01.2021 (Annexure P-4), 07.12.2021 (Annexure P-6), and 07.01.2022 (Annexure P-9) are hereby set aside. The penalty imposed on the petitioner is waived. No further disciplinary action is required to be initiated against the petitioner.
11. **Disposed of** accordingly.

(KULDEEP TIWARI)
JUDGE

22.09.2025
deepak

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