

Court No. - 32

Case :- WRIT - C No. - 50640 of 2010

Petitioner :- Sanjay Kumar

Respondent :- Central Information Commissioner And
Others

Petitioner Counsel :- Tarun Verma

Hon'ble Sunil Ambwani,J.

Hon'ble Kashi Nath Pandey,J.

Heard Sri Tarun Verma, learned counsel for the petitioner.

This writ petition has been filed against the order dated 19.7.2010 of the Information Commissioner, Central Information Commission, New Delhi by which he has imposed penalty of Rs.5,000/- to be recovered from the salary of the petitioner, for non compliance of its order for filing affidavit.

Learned counsel for the petitioner submits that the Information Commissioner does not have power to impose penalty under Section 20 of the Right to Information Act, unless the proceedings are concluded. He further submits that the order has been complied with, and that sufficient reasons were given for filing affidavit on the day when the matter was fixed (within few days after the time for filing the affidavit is expired).

In the present case, the appeal is still pending.

Let notices be served on respondent Nos. 1 and 2 through Additional Solicitor General of India, appearing in the matter of the Central Government. If his office does not accept notices, the petitioner shall serve the respondent Nos. 1 and 2 through registered post.

Issue notice. Steps within a week.

Counter affidavit may be filed by respondents within four weeks. Rejoinder affidavit within one week.

List on 20.10.2010.

Until further orders, the effect and operation of the impugned

order dated 19.7.2010 passed by the Information Commissioner, Central Information Commission, New Delhi in so far as penalty has been imposed upon the petitioner of Rs.5,000/- to be recovered from his salary, shall remain stayed.

Order Date :- 23.8.2010

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