

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CWP No.3501 of 2012**

**Date of Decision: February 24, 2012**

Vinod Kumar Sharma

**.....PETITIONER**

Vs.

Central Information Commissioner and others

**.....RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

Present: Mr.M.K.Dogra, Advocate  
for the petitioner.

**AUGUSTINE GEORGE MASIH, J. (ORAL)**

Petitioner has approached this Court impugning the order dated 24.06.2011 (Annexure P-6) passed by the Central Information Commissioner-respondent No.1 vide which respondents No.2 and 3 have been exonerated of the charges, which would attract penalty under Section 20 of the Right to Information Act. It is the contention of the counsel for the petitioner that the petitioner sought information under the Right to Information Act from the Central Public Information Officer-respondent No.3, which information was denied leading to the petitioner filing of appeal before respondent No.2, which was also dismissed on the ground that the departmental proceedings were pending against the petitioner and, therefore, the information could not be supplied to him. His contention is that this order was factually wrong as the departmental proceedings initiated against the petitioner stood concluded vide order dated 15.07.2010 and penalty has been

imposed upon the petitioner. As a matter of fact, the petitioner has sought information on 09.07.2010, which was rejected by the Central Public Information Officer vide order dated 10.08.2010 when the proceedings have already culminated. Appeal preferred by the petitioner has also been decided on the assumption that the departmental proceedings against the petitioner were still pending. He on this basis contends that respondents No.2 and 3 have not supplied the information to the petitioner intentionally despite they being aware that the departmental proceedings against the petitioner stood concluded prior to the decision of the Central Public Information Officer and the decision of the appeal by the First Appellate Authority. His further contention is that when he filed an appeal before the Central Information Commission initially the Central Information Commission vide its order dated 12.05.2011 (Annexure P-5) had held respondents No.2 and 3 responsible for non-supply of information as sought for by the petitioner and a notice was issued as to why penalty should not be imposed upon them. His contention is that the explanation which has been given by respondents No.2 and 3 is not satisfactory and the Central Information Commission has wrongly accepted the same and exonerated the respondents without imposing penalty as mandated under Section 20 of the Right to Information Act. The impugned order dated 24.02.2011 is assailed on this ground.

I have considered the submissions made by the counsel for the petitioner and with his assistance have gone through the record of the case.

The basic issue which has been decided by the Central Public Information Officer and the First Appellate Authority under the Right to Information Act was that the information could be denied to

the petitioner in the light of the provisions contained in Section 8(1)h of the Act. This decision of respondents No.2 and 3 has not been accepted by the Central Information Commission vide its order dated 12.05.2011 and a direction was issued to supply the information to the petitioner as he has sought from the respondents. It is not in dispute that such information has been supplied to the petitioner. The only grievance put forth by the petitioner through this writ petition is that the penalty should have been imposed upon respondents No.2 and 3 for non-supply of the information and denying him the same without any reasonable cause. This assertion of the counsel for the petitioner if seen in the light of the order dated 12.05.2011 (Annexure P-5) may be correct but, thereafter, an explanation has been put forth by respondents No.2 and 3 wherein reasons have been assigned to their belief why the said information should not be supplied to the petitioner which explanation has been considered by the Competent Authority and the said explanation having been accepted which appears to be just and reasonable. No interference in exercise of the writ jurisdiction is called for. The present petition, therefore, is rejected.

**(AUGUSTINE GEORGE MASIH)  
JUDGE**

**February 24, 2012  
jt**