

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

Civil Writ Petition No. 22229 of 2011
Date of decision:- 07.05.2012

Harinder Singh

....Petitioner

Vs.

State Information Commission, Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE A.N. JINDAL**

Present: Mr. B.P.S. Virk, Advocate,
for the petitioner.

Mr. Sandeep Moudgil, DAG, Punjab,
for respondent Nos. 2 and 3.

HEMANT GUPTA, J. (Oral)

Challenge in the present petition is to an order dated 01.11.2011 (Annexure P-12) passed by the State Information Commission, declining the information sought, pertaining to recruitment in Punjab Armed Police. Such information has been declined for the reason that Punjab Armed Police has been taken out of the purview of the Right to Information Act, 2005 (for short 'the Act') as per Government notification dated 23.02.2006.

The issue, whether the exemption under Section 24 (4) of the Act that the Act shall not apply to the organizations, so notified absolves a public authority to withhold the information pertaining to allegation of corruption, has been examined by this Court in LPA No.744 of 2011 titled as ***First Appellate Authority cum Additional Director General of Police and another Vs. Chief Information Commission, Haryana and another***, decided on 28.04.2011, wherein it has been held to the following effect:-

“As mentioned above, the expression pertaining to allegation of corruption cannot be exhaustively defined. The Act is to step-in-aid to establish the society governed by law in which corruption has no place. The Act envisages a transparent public office. Therefore, even in organizations which are exempt from the provisions of the Act, in terms of the notification issued under Section 24(4) of the Act, still information which relates to corruption or the information which excludes the allegation of corruption would be relevant information and cannot be denied for the reasons that the organization is exempted under the Act.

The information sought in the present case is in respect of the number of vacancies which have fallen to the share of the specified category and whether such posts have been filled up from amongst the eligible candidates. If such information is disclosed, it will lead to transparent administration which is antithesis of corruption. If organization has nothing to hide or to cover a corrupt practice, the information should be made available. The information sought may help in dispelling favouritism, nepotism or arbitrariness. Such information is necessary for establishing the transparent administration.”

In view of the aforesaid order, the information sought by the petitioner in respect of the recruitment is the information which is not exempted from disclosure.

Consequently, the present writ petition is allowed. The order dated 01.11.2011 (Annexure P-12) passed by the State Information Commission is set aside. The respondents are directed to disclose the information sought for, in accordance with law.

(HEMANT GUPTA)
JUDGE

(A.N. JINDAL)
JUDGE

May 07, 2012
ajp