

Punjab-Haryana High Court

Shaheed Kanshi Ram Memorial ... vs State Information Commission, ... on 10 September, 2009

IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

Civil Writ Petition No.14161 of 2009

Date of Decision: 10.09.2009

Shaheed Kanshi Ram Memorial College and another Petitioners

Versus

State Information Commission, Punjab and others Respondents

CORAM:- HON'BLE MR. JUSTICE JASBIR SINGH

Present: Mr.T.P.S.Tung, Advocate for the petitioner

Jasbir Singh, J.(Oral)

This writ petition has been filed with a prayer to quash order dated 4.6.2009 (P1), vide which, penalty of Rs.10,000/- has been imposed on the petitioners, for causing unnecessary harassment to respondent No.3, in supplying the information under the Right to Information Act, 2005 (in short, the Act).

It is apparent from the records and not disputed before this Court that respondent No.3 filed an application under the Act, seeking some information, to be supplied by the petitioners, on 10.12.2008. As per provisions of the Act, information was to be supplied within 30 days, however, by supplying incorrect information, respondent No.3 was

forced to move a complaint before the State Information Commission, which gave a specific finding in its order dated 24.4.2009 that the information supplied was not complete. Relevant portion of order reads thus:- "2. The respondent has prepared the statement of CPF loan recoveries made by the SKRM college from the complainant's pay, in compliance with the directions of the Court dated Civil Writ Petition No.14161 of 2009 2 13.3.2009, and has sent it to the complainant. The complainant in her letter dated 24.4.2009, however, has pointed out various anomalies in the statement prepared by the respondent. The most important of these is the fact that in response to the complainant's letter No.7 dated 23.4.2009, the respondent had informed her consist exclusively of the recoveries of her CPF loan, whereas in the Court today, he has clarified that the deposited amounts are inclusive of the complainant's CPF contributions. Since the amounts deposited obviously did not match the figures representing deductions of the CPF loan, this error of the respondent created a lot of confusion in the complainant's mind and resulted in her suffering a great deal of mental harassment.

3. The second very important shortcoming in the manner in which the respondent has dealt with this case is his refusal and reluctance to give to the complainant part of the information for which she had applied on 12.2.2008, namely, "the details mentioning the dates on which the installments were deducted from my salary...." From the very beginning till even now, after a statement has been prepared by the respondent in compliance with the Courts orders, the respondent has not vein this information to the complainant leading to the suspicion that it is being deliberately suppressed.

4. There are other anomalies as well. Even after the commission directed the respondent to give the information to give the information in a clear and easily understandable form vide its orders dated 13.2.2009, sufficient care was not taken Civil Writ Petition No.14161 of 2009 3 by the respondent and in the statement provided to the complainant, there are errors in column 4 of page 2 thereof, which were corrected and initiated by the respondent in the Court."

Taking note of the above said shortcomings, notice was issued to the petitioner No.2, to show cause, as to why penal action be not initiated against him under Section 20 of the Act. It is an admitted fact that the order passed on 24.4.2009 was never challenged by the petitioner. It has become final. If that is so, imposition of penalty is perfectly justified. As per provisions of the Act, Public Information Officer is supposed to supply correct information, that too, in a time bound manner. Once a finding has come that he has not acted in the manner prescribed under the Act, imposition of penalty is perfectly justified. No case is made out for interference.

Dismissed.

10.09.2009 (Jasbir Singh) gk Judge