

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

C.W.P. No. 10806 of 2011. [O&M]

Date of Decision: 02nd December, 2011.

Gurcharan Singh

Petitioner through
Mr. Nakul Sharma, Advocate

Versus

State Information Commission, Punjab & Ors.

Respondents through
Ms. Sudeepti Sharma, DAG, Punjab.

CORAM:

HON'BLE MR. JUSTICE SURYA KANT.

- 1. Whether Reporters of local papers may be allowed to see the judgment?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

SURYA KANT, J. [ORAL]

The 4th respondent moved an application dated 20.09.2010 to the Block Development and Panchayat Officer, Sidwan Bet, District Ludhiana to supply information regarding certain works allegedly manipulated by the petitioner who was the Junior Engineer concerned at the relevant time. A part of the information was supplied to the 4th respondent vide letter No. 1843 dated 10.11.2010 but the remaining information could be supplied to him on 03.03.2011 only. This fact is duly acknowledged by the State Information Commission in its order dated 10.05.2011 [Annexure P-8] whereby the petitioner has been held guilty of unexplained delay in supplying the information and a penalty of Rs.250/- per day from 10.11.2010 to 03.03.2011 has been imposed on him.

The aggrieved petitioner has approached this Court.

Besides contending that the information was sought from the B.D.P.O. and not from the petitioner or that he was not a notified

Information Officer, it is pointed out that a substantial part of the information stood supplied to the 4th respondent in time and it was only a minimal part which got delayed but was supplied much before passing of the impugned order.

Having heard learned counsel for the parties, I find that the State Information Commission has nowhere held that the petitioner withheld any information deliberately or willfully. Non-furnishing of satisfactory explanation would not *ipso-facto* mean that the petitioner withheld the information with a motive or *mala-fidely*. That being so, the harsh penalty imposed vide the impugned order dated 10.05.2011 [Annexure P-8] is uncalled for and the same is set aside but with a stern warning to the petitioner to be careful in future and ensure that as and when an application is received under the Act, he shall be obligated to act upon promptly and in any case within the stipulated period.

Disposed of. *Dasti*.

December 02, 2011.
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(SURYA KANT)
JUDGE