

(2015) 09 JH CK 0085
In the Jharkhand High Court
Case No : WP(C) No. 1187 of 2015

The Executive Officer

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 23-09-2015

Acts Referred:

Right to Information Act, 2005 — Section 19(8)(b)

Citation : (2015) 4 JLJR 501

Hon'ble Judges : Prashant Kumar, J.

Bench : Single Bench

Advocate : Sanjay Kumar Dwivedi, for the Appellant; Radhakrishna Gupta, for the Respondent

Final Decision : Dismissed

Judgement

Prashant Kumar, J.—This application has been filed for quashing the order contained in Memo No. 9726 dated 2.12.2014 and Memo No. 393 dated 13th of January, 2015, whereby the Chief Information Commissioner has directed the petitioner to pay compensation of Rs. 30,000/- to Respondent No. 7 for delay in giving the information. It appears that Respondent No. 7 had filed an application under the Right to Information Act on 28.10.2013 for supplying the information regarding the proposed house map deposited by the Respondent No. 7 for sanction before Gumla Nagar Palika Panchayat. It appears that the application of Respondent No. 7 remain pending for inordinate period. Thereafter, Respondent No. 7 filed an appeal before the Commission. The Commission vide letter No. 7342 dated 27.8.2014 directed the petitioner to supply the information and further directed the petitioner to show cause as to why respondent No. 7 be not compensated in terms of Section 19(8)(b) of the Right to Information Act. It appears that thereafter on 9.9.2014 information was given to the Respondent No. 7. It appears that petitioner, who is also Public Information Officer of Gumla Nagar Palika Panchayat, has not filed any show cause in response to letter dated 27.8.2014, nor the petitioner appeared before the Commission on the date fixed

for hearing. The Commission on the next date has concluded that petitioner was negligent in providing information within the time stipulated under the Act, therefore liable to compensate Respondent No. 7 under Section 19(8)(b) of the Right to Information Act, 2005. Accordingly, the Commission directed the petitioner to pay Rs. 30,000/- to Respondent No. 7 as compensation. Against that, present writ application filed.

2. Sri Sanjay Kumar Dwivedi, learned counsel appearing for the petitioner submits that no opportunity of hearing given to the petitioner, thus, the impugned order is violative of principles of natural justice. He further submitted that while deciding the appeal, the Commission has decided the dispute between the parties, therefore said order is illegal.

3. On the other hand, learned J.C. to G.P.-VI and learned counsel appearing for respondent No. 7 submits that from perusal of Annexure-7 it is clear that petitioner was given show cause notice. It also appears that on 2.12.2014, petitioner was present in the Court of Information Commissioner. But, on the next date, i.e. 2.1.2015, petitioner did not appear before the Chief Information Commissioner, it is submitted that even though, opportunity for filing show cause given to the petitioner, but petitioner had not availed the same. Therefore, now petitioner cannot make a grievance that he had not been given opportunity of hearing. It is further submitted that it is clear from Annexure-8 that the Chief Information Commissioner has not decided any dispute. The Chief Information Commissioner has only stated that the information was given to the respondent No. 7 after ten months, therefore Respondent No. 7 is entitled for compensation.

4. Having heard the submissions, I have gone through the record of the case. From perusal of Annexure-7 I find that show cause notice given to the petitioner, but in spite of the said notice, petitioner has not filed any show cause. It then appears from Annexure-8 that petitioner deliberately not appeared before the Chief Information Commissioner on the date of hearing. Under the said circumstance, complain of the petitioner that he has not been given any opportunity of hearing cannot be accepted.

5. So far second contention that Chief Information Commissioner had decided the dispute between the parties, I find that the Chief Information Commissioner has not decided any dispute, rather he gave finding that the information was given by the petitioner after the delay of 10 months, thus, the Commissioner has come to the conclusion that the petitioner has no respect for the law of the country. The learned Chief Information Commissioner further concluded that since the information was given after lapse of ten months, therefore, respondent No. 7 is entitled for compensation. In view of the aforesaid reason given by the Chief Information Commissioner I find no merit in this application. Accordingly, the same is dismissed.