

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 1882 of 2010 (M/S)

Mr. S.K. Chandola, Public Information Officer/
Addl. Principal Conservator of Forest, Planning
and Financial Management, 87, Rajpur Road,
Dehradun

--- Petitioner.

Versus

Uttarakhand Information Commission
and 2 others

--- Respondents.

Mr. P.C. Bisht, Brief Holder for the petitioner.
Mr. Vipul Sharma, Advocate for the respondents.

(Hon'ble B.S. Verma, J.)

Heard Mr. P.C. Bisht, Brief Holder for the petitioner and
Mr. Vipul Sharma, Advocate appearing on behalf of the respondents.

By means of this petition, the petitioner has sought a writ
in the nature of certiorari, quashing the impugned order dated 6-7-
2010 passed by Information Commission, Uttarakhand in Appeal No.
A(D) 2529 of 2010, contained in annexure No.1 to the writ petition,
whereby a penalty of Rs. 5,000/- was imposed upon the Public
Information Officer/petitioner.

Supplementary affidavit has been filed. In para-3 of the
supplementary affidavit it is stated that notice dated 1-4-2010 was
issued by Public Information Commission to the petitioner and the
Departmental Appellate Officer, requiring them to be present before
the Commission on 13-05-2010, along with original record. The
petitioner/Public Information Officer had appeared before the
Commission on 13-5-2010 and the Public Information Officer was
directed to furnish the requisite information to the respondent No.3
within 15 days and case was listed on 06-07-2010 when the final
impugned order was passed. In para-5 of the supplementary affidavit
it has been admitted that no such reply/explanation was submitted by
the petitioner or departmental Appellate Officer before the
Commission. Since no explanation was put forth before the appellate
authority, therefore, the penalty was imposed.

In view of above, the petitioner is given liberty to file reply of show cause notice before the Information Commissioner. The learned Information Commissioner, after considering the reply/explanation filed by the petitioner/Public Information Officer, shall pass a fresh order.

Till the fresh order is passed by the Information Commissioner, the impugned order shall remain in abeyance.

With the above directions, the writ petition is disposed of finally.

Dated: 30-11-2010

(B.S.Verma, J.)

ISB

