



2026:CGHC:26358

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4714 of 2022

- Amarchand Pahare S/o Late Shri Ramavtar Pahare Aged About 52 Years Presently Working As P I O, And Deputy Director, Employment And Self Employment Guidance Centre, Koni, Bilaspur Tahsil And District Bilaspur Chhattisgarh Permanent R/o Green Park Colony, Jarhabhata, Bilaspur Chhattisgarh Tehsil And District Bilaspur Chhattisgarh

... **Petitioner**

versus

1. Chhattisgarh State Information Commission Through Secretary, Sector 19, North Block, Atal Nagar, Nava Raiipur Chhattisgarh District Raiipur Chhattisgarh.
2. Secretary State Of Chhattisgarh, Skill Development, Technical Education And Employment Department, Mahanadi Bhawan, Atal Nagar, Nava Raipur District Raipur Chhattisgarh.
3. First Appellate Authority And Deputy Director Directorate, Employment And Training, Indrawati Bhawan, 4th Block, 1st Floor, Atal Nagar, Nava Raipur District Raipur Chhattisgarh.
4. Shri Shatendra Verma Opp Urja Park, Near Holy Nursury School, House No. 238, Rajkishore Nagar, Bilaspur Tehsil And District Bilaspur Chhattisgarh.

... **Respondents**

(Cause title taken from Case Information System)

For Petitioner	:	Mr. Govind Prasad Dewangan, Advocate.
For Respondents No.1	:	Mr. Shyam Sunder Lal Tekchandani, Advocate.
For State/Respondents No.2 & 3	:	Mr. Soumitra Kesharwani, P.L.
For Respondent No.4	:	Mr. Santosh Kumar Pandey, Advocate.

Hon'ble Shri Justice Amitendra Kishore Prasad

Order on Board

29/06/2026

1. Heard.
2. This writ petition has been preferred by the petitioner under Article 226 of the Constitution of India, seeking following reliefs:-

“10.1 That, the petitioner prays that this Hon'ble Court may kindly be pleased to call the entire records pertaining to Second Appeal

No.A/1598/2020/Bilaspur, Satendra Verma Versus First Appellate Authority and another.

10.2 *That, the Hon'ble Court kindly be pleased to quash/setting aside the impugned order dated 06.09.2022 passed by the learned Commissioner, Chhattisgarh State Information Commission, Raipur (C.G.) (respondent No.1) passed in Second Appeal No.A/1598/2020/Bilaspur, Satendra Verma Versus First Appellate Authority and another (Annexure-P/1) in the interest of justice.*

10.3 *Any appropriate writ, direction or order may also kindly be passed in favour of the petitioner, which this Hon'ble Court deems fit in the circumstances of the case.*

10.4 *Cost be awarded to the petitioner."*

3. Facts of the case in brief are that respondent No.4 namely Shri Satendra Verma had filed an application on 04.10.2019 before the Public Information Officer and Deputy Director Employment and Self Employment Guidance Centre, Koni, Bilaspur (C.G.) to provide certified copy information that *"In your department, under the skill development scheme, purchased or ordered items, After being unserviceable, the items are when and for how much amount they have been auctioned or kept in the department, provide the attested photocopy of the list of unused training items date-wise."* The present petitioner is working as Public Information Officer and Deputy Director Employment and Self Employment Guidance Centre, Koni, Bilaspur (C.G.) Tehsil and District Bilaspur (C.G.) has replied through his letter dated 30.10.2019 and informed respondent No.4 (Shri Satendra Verma) that "Information is voluminous and it is not clear that you have asked to provide the information for which equipment therefore it is not possible to provide the information to you." Being aggrieved by the reply dated 30.10.2019, respondent No.4 had filed a first appeal before the First Appellate Authority and Deputy Director, Directorate, Employment & Training, wherein the First Appellate Authority has directed the petitioner to appear before him on 10.01.2020 through the notice dated 03.01.2020. The petitioner filed a reply

on 10.01.2020 before the First Appellate Authority stating that the information is voluminous and it is not clear that the information seeker has asked to provide information for which equipment, therefore, it is not possible to provide the information. The petitioner has referred the judgment of the Central Information Commission in case of Nitesh Kumar Tripathi Vs the Ministry of Youth Affairs and Sports. The First Appellate Authority has decided the First Appeal on 10.01.2020 and directed to provide the information to respondent No.4 free of cost within a period of 15 days. Thereafter, respondent No.4 has filed a Second Appeal before The Chhattisgarh State Information Commission under Section 19 of the Right to Information Act, 2005 (for short 'R.T.I Act') with a request to issue a direction to the Public Information Officer (for short 'PIO') to provide the information within a period of 7 days apart from this, he had also requested to impose the penalty against the PIO under Section 20(1) of the R.T.I Act and to issue a recommendation for disciplinary action against the PIO under Section 20(2) of the R.T.I Act. The Public Relation Officer Chhattisgarh State Information Commission, Raipur has issued a letter to the petitioner and asked to appear on 30.07.2021 before the State Chhattisgarh Information C, Raipur in the hearing of Second Appeal bearing No. A/1598/2020/Bilaspur filed by respondent No.4. The present petitioner has filed his reply on 27.05.2022 before the Commission and informed stating therein that information is voluminous and it is not clear that the information seeker has asked to provide information for which equipment therefore it is not possible to provide the information. The learned Commissioner without going on the explanation filed by the petitioner and without going through the records, passed the impugned order dated 06.09.2022 against the petitioner and imposed the penalty of Rupees 25,000/- under Section 20(1) of the R.T.I. Act and also recommended to the Secretary, State Of Chhattisgarh, Skill Development, Technical Education and Employment Department, Raipur (C.G.) to conduct

an inquiry against the present petitioner under Section 20(2) of the R.T.I. Act. The order passed by the learned Commissioner Chhattisgarh State Information Commission, Raipur (C.G.) is the utter violation of the provision of the R.T.I. Act 2005. Hence, the petitioner has filed the present writ petition.

4. Learned counsel for the petitioner submits that the impugned order passed by the Chhattisgarh State Information Commission, Raipur (C.G.) by which a fine of Rs.25,000/- has been imposed upon the petitioner/Public Information Officer (PIO) stating that he has not furnished the information as sought by the information seeker. The notice was given to the petitioner on 30.07.2021, however, since he has not complied with the order of First Appellate Authority, as such the earlier notice, which was issued to the petitioner in the first appeal, itself is treated as final notice under Section 20(1) of the Right to Information Act, 2005 (for short 'R.T.I. Act') and accordingly fine has been imposed upon the petitioner. Learned counsel for the petitioner further submits that the mandatory provisions have not been followed, as before imposition of penalty, the petitioner is required to be given a notice under Section 20(1) of the R.T.I. Act, which has not been issued to the petitioner. As such the impugned order is not in accordance with law.
5. Learned counsel appearing for the respondent No.1/State Information Commission submits that since earlier notice regarding appeal has already been issued and as such the State Information Commission has rightly declared the earlier notice to be as final notice as provided under Section 20(1) of the R.T.I. Act. As such, since the petitioner has not complied with the order of the First Appellate Authority and has not furnished the information as sought for by the information seeker, hence, the impugned order is passed in accordance with law and the penalty has rightly been imposed upon the petitioner.
6. Learned counsel appearing for the respondent No.4/information seeker has submitted that right from the beginning, petitioner has violated the orders of

the authorities, earlier he has not furnished the information, as sought by the petitioner. Thereafter, upon filing of the first appeal, First Appellate Authority has directed the petitioner/PIO to furnish the information within a period of 15 days, but he deliberately has not furnished the information. It has also been submitted that once the notice has been issued to the petitioner there is no need to file any further notice in imposition of penalty.

7. Learned State counsel appearing for the State/respondents No.2 & 3 submits that main contesting party is State Information Commission and as such they are formal party and according to them, impugned order has rightly been passed.
8. I have heard learned counsel for the parties and perused the material available on record.
9. Provisio of Section 20(1) of the Right to Information Act, 2005, which reads as under:-

Section- 20 (1): *Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of Rs 250 (Two Hundred and Fifty) each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees.*

The burden of proving that he acted reasonably and diligently shall be on the

*Central Public Information Officer or the State
Public Information Officer, as the case may be.*

10. According to the provision of Section 20(1) of the R.T.I. Act before imposition of penalty, the concerned PIO is required to be given an adequate opportunity of hearing, however, in the present case, the concerned State Commission has categorically stated that earlier notice has been issued to the petitioner and as such it would be treated as final notice under Section 20(1) of the R.T.I. Act, which in the considered opinion of this Court is not in accordance with law. Once the statute directed the procedure to be adopted under the R.T.I. Act and it is to be complied with in its letter and spirit and no deviation as such can be made by the concerned authorities. In the present case, State Information Commission has incorrectly deviated from the provision in Section 20(1) of the R.T.I. Act, which is not in accordance with law, as such the impugned order passed against the petitioner without issuing any notice, prior to imposing the penalty upon the petitioner.
11. In view of above, the instant petition is allowed and the impugned order dated 06.09.2022 passed by the State Information Commission, Raipur (C.G.) is hereby set aside.
12. Interlocutory application(s), pending if any, also stands disposed of.

**Sd/-
(Amitendra Kishore Prasad)
Judge**