



2026:CGHC:10431

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 907 of 2020**

1 - D. K. Soni S/o Late Shri Ramji Prasad Soni Aged About 42 Years Occupation- Advocate, R/o Banaras Road, Chahirma, Post- Latori, P. S. Gandhi Nagar, Tahsil- Ambikapur District- Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

--- Petitioner(s)**versus**

1 - State Of Chhattisgarh Through Secretary, Health Department, Mahanadi Bhawan, New Mantralaya, Atal Nagar District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

2 - The State Of Chhattisgarh Through Secretary, State Information Commission, Mahanadi Bhawan New Mantralaya, Atal Nagar District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

3 - The First Appellat Authority Through Superintending Engineer And Managing Director, Chhattisgarh Medical Services Corporation Limited 3rd Floor, Govind Sarang Commercial Parisar, New Rajendra Nagar District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

4 - The Public Information Officer Chhattisgarh Medical Services Corporation Limited Ambikapur District- Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

5 - Executive Engineer Chhattisgarh Medical Services Corporation Limited Ambikapur District- Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

--- Respondent(s)**WPC No. 908 of 2020**

1 - D. K. Soni S/o Late Shri Ramji Prasad Soni Aged About 42 Years Occupation Advocate, Residence Of Banaras Road, Chahirma, Post Latori, P.S.Gandhi Nagar, Tahsil Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---Petitioner(s)**Versus**

1 - State Of Chhattisgarh Through Secretary, Health Department, Mahanadi Bhawan, Mantralaya, Atal Nagar District Raipur Chhattisgarh., Chhattisgarh

2 - The State Of Chhattisgarh Through Secretary, State Information Commission, Mahanadi Bhawan New Mantralay, Atal Nagar, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

3 - The First Appellate Authority Through Superintending Engineer And Managing Director, Chhattisgarh Medical Services Corporation Limited 3rd Floor, Govind Sarang Commercial Parisar, New Rajendra Nagar District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

4 - The Public Information Officer Chhattisgarh Medical Services Corporation Limited Ambikapur District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

5 - Executive Engineer Chhattisgarh Medical Services Corporation Limited Ambikapur District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

--- **Respondent(s)**

For Petitioner(s)	:	Mr. Santosh Kumar Pandey, Adv
For Respondent/ State	:	Mr. Rohitashva Singh, Dy. G. A.
For Respondent No.3 to 5	:	Mr. Trivikram Nayak, Adv.
For respondent No. 2/ State :		Mr. Shyam Sunder Lal Tekchandani, Adv.
information commission		

(Hon'ble Shri Justice Sachin Singh Rajput)

Order on Board

27/02/2026

1. As identical issue involve in these two petitions, they are being heard and decided by this common order.
2. For sake of convenience WPC No. 907/ 2020 is taken as a lead case.
3. Following relief has been claimed in this writ petition:-
 - 10.1 the Hon'ble Court may kindly be pleased to call for the entire records pertaining to the case of petitioner for its kind perusal.
 - 10.2 That, the Hon'ble Court may kindly be pleased to set- aside the the order dated 23.09.2019 passed in Second Appeal No. A/ 1270/ 2016 by the office of respondent No.2 (Annexure P-1).
 - 10.3 that, the Hon'ble Court may kindly be pleased to direct the respondents to pay the penalty @ Rs. 250/- per day from the date of application till the information is supplied to the petitioner.
 - 10.4 That, the Hon'ble Court may kindly be pleased to direct the respondents to supply the complete certified information as per application (Annexure P-2).

10.5 That, the Hon'ble Court may kindly be pleased to grant any other relief, as if may deem fit and appropriate.

10.6 Cost of the petition may also be given.

4. Learned counsel for the petitioner submits that the petitioner is an RTI activist. On 26.09.2015, he submitted an application under relevant provision of Right to Information Act, 2005 (for short "RTI Act") before respondent No.4 seeking specific information as detailed therein. The application of the petitioner was not entertained by the respondent No.5, who contended, *inter alia* stating that since no Public Information Officer had been appointed, the requested information could not be delivered to the petitioner. Aggrieved by this, the petitioner preferred a first appeal before the First Appellate Authority / respondent No.3. Vide order dated 19.10.2015, respondent No.3 directed the Public Information Officer to furnish the information sought in the application. As the information was not supplied to him, the petitioner preferred a second appeal before the respondent No.2, which was registered as Civil Appeal No. A /1269/ 2016. By the order impugned dated 23.09.2019, the appeal was dismissed on the ground that an order to supply the information had already been passed by the First Appellate Authority, however, respondent No.4 was further directed to provide information within a period of one month, failing which, departmental proceedings were to be initiated. He further submits that although the order to provide information was passed in the year 2015, information was not supplied to the petitioner at that time. He fairly admits that the information was eventually provided in the year 2022, however in view of delay of about 7 years, the concerned authority is liable to pay compensation. Furthermore, it is submitted that a penalty of Rs. 250/- per day along side disciplinary action, ought to have been imposed upon respondent No.5. Thus, he prays that the writ petition may be allowed.
5. Learned counsel for respondents No. 3 to 5 submits that as the Public Information Officer had not been appointed, the information could not be provided in the year 2015, however it is contended that the information was duly provided to the

petitioner in the year 2022. The delay is bonafide and no penalty should have been imposed upon respondent No.5. He further submits that respondent No.2 has passed a detailed order directing compliance with the order passed by the First Appellate Authority and to take disciplinary action against the Information officer.

6. Heard learned counsel for the parties and perused the record.
7. From perusal of record, it appears that the application seeking information was initially filed in the year 2015. It was turned down on the pretext that no Public Information Officer was appointed. The Return filed on behalf of respondents No. 3 to 5 indicates that the said information has since been furnished to the petitioner. It is not in dispute that the said information was furnished in the year 2022. Now the only prayed remaining for determination before this Court is whether a penalty should be imposed upon Information Officer or not. Section 20 (1) of RTI Act requires that before passing any order of penalty, an opportunity of hearing must be afforded to the concerned officer.
8. Mr. Tekchandani submits that the penalty can be imposed by respondent No. 2.
9. Thus, in view of the above, this Court is inclined to set aside the order passed by respondent No.2 (Annexure P-1) in both petitions and remit the matter to respondent No.2 to take a decision regarding imposition of penalty on the Erring Officer after complying with the provisions contained in Section 20 (1) & (2) of RTI Act.
10. With this observations and directions, these writ petition are disposed of. The parties are directed to appear before respondent No.2 on 10th April, 2026.

**PARUL
MITTAL**
Digitally signed by
PARUL MITTAL
Date: 2026.02.28
17:42:57 +0530

Sd/-
(Sachin Singh Rajput)
JUDGE

Parul