

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH

ORDER

Shankardas Vs. Chief Information Commissioner, Jaipur & Another
(S.B. Civil Writ Petition No.4946/2014)

Date of Order:

November 03, 2015.

PRESENT

HON'BLE MR. JUSTICE ALOK SHARMA

Mr. Shiv Vyas, for the petitioner.

BY THE COURT.



Heard counsel for the petitioner and perused the impugned order dated 1-3-2012 passed by the Chief Information Commissioner (hereinafter 'the Commissioner').

The case of the petitioner is that the Commissioner erred in not visiting penalty of Rs.25000/- in terms of Section 20 of the Right to Information Act, 2005 (hereinafter 'the Act of 2005') even though the information sought by the petitioner was supplied belatedly in the context of obligation of the department under the Act of 2005.

The Power of the Commissioner under Section 20 of the Act of 2005 is a discretionary power. It is not mandatory that in every case the department should be visited with penalty for delay in supplying

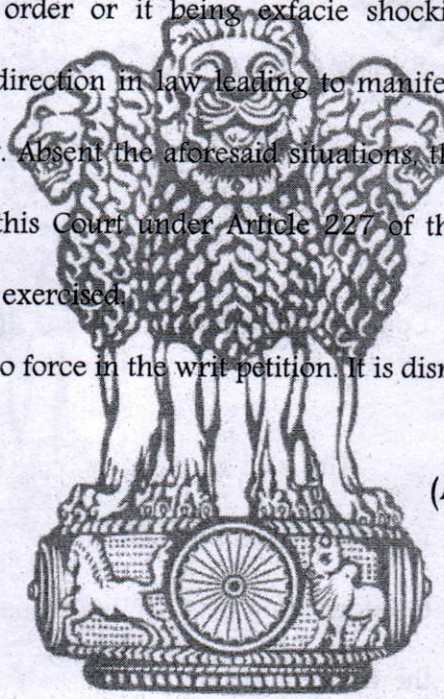
any information. For the exercise of discretionary powers, the Commissioner can take into consideration the facts of a given case.

The scope of the superintending powers of this court under Article 227 of the Constitution of India in respect of discretionary orders is quite limited. Interference of this court is ordinarily confined to issues of jurisdiction of the court/ tribunal below passing the impugned order or it being exfacie shockingly perverse or vitiated by misdirection in law leading to manifest injustice to the aggrieved party. Absent the aforesaid situations, the superintending jurisdiction of this Court under Article 227 of the Constitution of India cannot be exercised.

There is no force in the writ petition. It is dismissed.

(Alok Sharma), J.

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सत्यमेव जयते

