

PUNJAB STATE INFORMATION COMMISSION
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Sector-16, Chandigarh

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Sh. H.S. Hundal (98785-00082)

(Regd. Post) Chamber No. 82,
District Courts, SAS Nagar-160059

Appellant

Versus

(Regd. Post) **Public Information Officer,**
O/o The Secretary,
Regional Transport Authority,
Moga

(Regd. Post) **First Appellate Authority,**
O/o State Transport Commissioner,
Punjab, Sector-17,
Chandigarh

(Regd. Post) **Smt. Anita Darshi (PCS),**
O/o Commissioner,
Nagar Nigam, Moga

Respondent

Appeal Case No. 31 of 2017

Present: Sh. H. S. Hundal, the appellant in person.
Nobody on behalf of the respondent.

ORDER

1. This order may be read with reference to the previous order dated 12.09.2018.
2. Appellant, Sh. H.S. Hundal states that respondent, Ms. Anita Darshi takes a plea earlier in this case that penalty order was not received by her. He presented the evidences showing that penalty order was despatched to Ms. Anita Darshi by name.
3. Respondent, Ms. Anita Darshi is not present for today's hearing.
4. After hearing the appellant and examining the documents during the hearing, it is found that on the first hearing held on 20.06.2018 before the Undersigned Special Bench, appellant, Sh. H.S. Hundal was absent. Sh. Neeraj (Clerk) was appeared on behalf of the respondent, who was not aware about the facts of this case. A copy of order dated 20.06.2018 was sent through registered post to Ms. Anita Darshi by name to represent this case in person to clear the facts of this case. Another opportunity was also given to the appellant to represent this case in person on the next date of hearing and matter was adjourned for further hearing on 01.08.2018.

5. On the hearing held on 01.08.2018, respondent, Ms. Anita Darshi stated that present case was disposed of and closed by the bench the then Ld. SIC, Sh. Alwinderpal Singh Pakhokhe on dated 12.10.2017. She presented a copy of the order dated 12.10.2017 passed by Ld. SIC, Sh. Alwinderpal Singh Pakhokhe in present case showing that the above mentioned case was disposed of & closed.

Appellant, Sh. H.S. Hundal was not present but an email dated 31.07.2018 has been received from him through which he asked that how and under which provisions of RTI Act, this case has been reopened for hearing, when once penalty has been imposed. It has further been stated by him that there is no provision in RTI Act to review orders of penalty passed by a Bench. In that email he further requested to supply all the documents to him on the basis of which this Special Bench has been constituted to hear a closed case in which penalty was imposed. This mail was taken on record.

After hearing the respondent, Ms. Anita Darshi and examining the documents placed on record, it was observed that two different orders of the same dated i.e. dated 12.10.2017 were passed in this case by the bench of Ld. SIC Sh. Alwinderpal Singh Pakhokhe. In one order dated 12.10.2017 the Show Cause notice issued to Ms. Anita Darshi was withdrawn and the case was disposed of & closed. This order was despatched on 26.10.2017 by the Commission.

In the other order dated 12.10.2017, penalty of Rs. 25,000/- was imposed upon PIO Ms. Anita Darshi on the basis of the same Show Cause notice issued to her. In order to check the authenticity of the orders, the Special Bench consisting of the undersigned, Ld. SIC, Sh. Hem Inder Singh and Ld. SIC, Sh. Avtar Singh Kaler was constituted vide office order dated 14.05.2018.

Respondent, Ms. Anita Darshi was advised to file a reply to clear the facts of this case along with advice to appear in person on the next date of hearing positively.

Last opportunity was given to the appellant, Sh. H. S. Hundal to appear in person to pursue this case, failing to which case will be decided on the basis of documents available on records. Matter was adjourned for further hearing on 12.09.2018.

6. On hearing held on 12.09.2018, appellant, Sh. H.S. Hundal stated that penalty was imposed on the respondent, Ms. Anita Darshi vide order dated 12.10.2017. Respondent, Ms. Anita Darshi was not present.

After discussing with the appellant and examining the case file, it was found that copy of previous order dated 01.08.2018 which was sent to the respondent, Ms. Anita Darshi has returned back to the Commission with the remarks "she has transferred to Moga". A copy of order dated 12.09.2018 was sent to her at her present posting station which is as Commissioner, Nagar Nigam, Moga through registered post. She was advised to appear in person on the next date of hearing positively along with her reply as per the previous order of the Commission dated 01.08.2018. Matter was adjourned for further hearing on 17.10.2018. Hearing was earlier fixed for 17.10.2018 was postponed and fixed for 20.11.2018.

Hearing was fixed for 20.11.2018 was postponed and fixed for further hearing on 18.12.2018 i.e. today but the respondent, Ms. Anita Darshi failed to represent this case today.

7. We are of the considered view that, Last opportunity is given to Ms. Anita Darshi to represent this case in person along with proper reply on the next date of hearing positively, failing to which case will be decided on the available evidences.

8. Matter is adjourned for further hearing on **29.01.2019 at 12:15 PM.**

9. Announced in the Court, copy of the order to be sent to the parties through **registered post.**

(Sh. Avtar Singh Kaler)
(S.I.C.)

(Sh. Hem Inder Singh)
(S.I.C.)

(Dr. Pawan Kumar Singla)
(S.I.C.)

Chandigarh

Dated: 18.12.2018 (12:15 PM)

Copy to:

- PS to SIC (HIS) for kind information.
- PS to SIC (ASK) for kind information.