

**PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, NEAR ROSE GARDEN,
SECTOR 16, CHANDIGARH.**

Ph: 0172-2864116, Email: - psic26@punjabmail.gov.in

Visit us: - www.infocommpunjab.com, Cisco Webex Code:15857-23975

Helpline No.0172-2864100(From 10.00 AM to 04.00 PM on working days)



Shri Yogesh Mahajan
S/o Late Shri Kuldip Raj Mahajan,
President of Anti Corruption Council,
Opp. Water Tank, Municipal Tank,
Mission Road, Pathankot.

.....Appellant

Versus

Public Information Officer

O/o Executive Engineer
Mandi Board, Civil Division,
Ludhiana.

First Appellate Authority

O/o Chief Engineer (South),
Mandi Board, Mohali.

....Respondents

AC No. 303 of 2023

Present: i) **Shri Yogesh Mahajan, Appellant- cisco webex.**
ii) **None on behalf of the PIO/Respondent.**

ORDER:

1. The RTI application is dated 01.10.2022 vide which the appellant has sought information as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (hereinafter FAA) on 02.11.2022 and the second appeal was filed in the Commission on 03.01.2023 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. The notice of hearing was issued to the parties for 27.02.2023. Accordingly, the case has been heard today. Shri Yogesh Mahajan, appellant comes present to attend the hearing through cisco webex. He states that no information has been supplied to him yet, however, he has received a letter dated 02.02.2023 from the PIO to inspect the records and identify the information required.

3. Neither the PIO O/o Executive Engineer(Civil), Punjab Mandi Board, Ludhiana has come present to attend the hearing in person before the Bench or through cisco webex. A letter is, however, available in the case file whereby the appellant was asked to inspect the records on 15.12.2022 but the appellant did not turn up to do so.

4. The Bench observes that the PIO has absented himself from the hearing today and has also not given any intimation to the Bench regarding the same. This indifferent attitude and casual approach towards the directions of the Bench is viewed adversely. The PIO is issued show cause notice to explain his

Cont..P-2

absence and as to why action should not be taken against him and also as to why penalty should not be imposed in the instant case for failing to appear for the hearing and not supplying information to the appellant. He is also directed to file a written reply to the show cause notice as to why the appellant should not be compensated for the mental harassment suffered by him in getting the information.

5. In addition to the written reply, the PIO is hereby given an opportunity u/s 20(1) proviso thereto for personal hearing before the imposition of such a penalty, on the next date of hearing. He may take note that in case he does not file the written reply and does not avail himself of the opportunity of personal hearing on the next date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex-parte.

6. On enquiring from the appellant whether he is prepared to visit the Department for inspection of official records to identify the information required, the appellant replies in negative.

7. The PIO is directed to supply point-wise information to the appellant before the next hearing as also ensure to come present in person before the Bench on the next hearing and bring along the copy of information supplied as also the original record for perusal by the appellant, failing which the Bench will be constrained to issue BAILABLE WARRANT to ensure his presence before the Bench.

8. With the aforesaid directions, the matter is adjourned. **To come up for hearing on 05.04.2023 at 11.30 AM before the Bench in Commission's office at Chandigarh.** Copies of the order be sent to the concerned parties.

Chandigarh
27.02.2023

Sd/-
(Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab

**Copy to: Public Information Officer O/o Executive Engineer
Mandi Board, Civil Division, Ludhiana.**