

**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 Kuldip Kumar,
House No. 3261, Rattan Singh Chowk,
FGC Road, Amritsar.

.....Appellant

Versus

Public Information Officer
O/o Punjab Pollution Control Board,
Amritsar.

First Appellate Authority
O/o Punjab Pollution Control Board,
Amritsar.

....Respondents

AC No. 5604 of 2022

Present: i) **Shri Kuldip Kumar, appellant- cisco webex.**
ii) **None on behalf of the PIO/Respondent.**

ORDER:

1. The RTI application is dated 26.04.2022 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 21.06.2022 and the second appeal was filed in the Commission on 10.11.2022 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. The case has been heard today. Shri Kuldip Kumar, appellant attends the hearing through cisco webex and states that he has received certain information on his WhatsApp number from the PIO yesterday i.e. 21.02.2023 at 06.28 PM and that the information supplied is incomplete and he is not satisfied with the information supplied.

3. Neither the PIO O/o Punjab Pollution Control Board, Amritsar has come present in person before the Bench nor through cisco webex nor any intimation has been received in this regard. He has, however, sent e.mail dated 21.02.2023 giving point-wise reply to the appellant. The appellant is, however, not satisfied with the reply.

4. The Bench observes that during previous hearing, though the PIO was directed to come present in person before the Bench, he has failed to do so and has also not attended the hearing through cisco webex nor has authorised any of his representatives to attend the hearing. This indifferent attitude of the PIO is viewed adversely.

5. The PIO O/o Punjab Pollution Control Board, Amritsar is issued show cause notice to explain his 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 complete information to the appellant. He is also directed to file a written reply to the show cause notice as to why

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the appellant should not be compensated for the mental harassment suffered by him in getting the information.

6. 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.

7. The Bench advises the appellant to point out deficiencies to the PIO. The PIO is directed to supply point-wise information to the appellant, after removal of deficiencies, before the next hearing as also ensure to come present in person before the Bench on the next hearing, 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 26.04.2023 at 11.30 AM before the Bench in Commission's office at Chandigarh.** Copies of the order be sent to the concerned parties.

Chandigarh
22.02.2023

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

Copy to (By Regd.Post):

Public Information Officer
O/o Punjab Pollution Control Board,
Amritsar.