

**PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, NEAR ROSE GARDEN,
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Helpline No.0172-2864100(From 10.00 AM to 04.00 PM on working days)



Shri Balwinder Singh,
S/o Shri Amrik Singh
R/o Dashmesh Nagar,
Behind Radiant School,
Jalalabad, District Fazilka.

.....Appellant

Versus

Public Information Officer
O/o Deputy Commissioner,
Fazilka.

Public Information Officer
O/o Secretary,
Regional Transport Authority,
Ferozepur/Fazilka.

First Appellate Authority
O/o Deputy Commissioner,
Fazilka.

....Respondents

AC No. 5817 of 2022

Present: i) **Shri Balwinder Singh, Appellant- in person.**
ii) **None on behalf of the PIO/Respondent .**

ORDER:

1. This order may be read with reference to the order dated 16.01.2023 passed by this Bench on the previous hearing.
2. The case has been heard today. Shri Balwinder Singh, appellant comes present in person before the Bench and states that he has not been provided any information till date. He also states that he is in the business of giving vehicles/cars on rent and there has been a scam while hiring taxis during the Vidhan Sabha Election-2022.
3. Neither the PIO O/o DC/District Election Officer, Fazilka has come present in person before the Bench or through cisco webex nor he has deputed any of his representatives to attend the hearing.
4. The PIO was absent during the previous hearing also. However, a letter dated 11.01.2023 was received enclosing therewith letter dated 08.08.2022 whereby the RTI application was transferred to the Secretary, Regional Transport Authority, Ferozepur/Fazilka (Nodal Officer for Transportation in Vidhan Sabha Election-2022). Accordingly, the PIO O/o Secretary, Regional Transport Authority, Ferozepur/Fazilka was impleaded as Respondent No.2 and directed to supply information to

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the appellant before the next hearing. Both the PIOs were directed to come present in person before the Bench on the next hearing. However, both of them have failed to come present to attend today's hearing as also to comply with the directions of the Bench.

5. The PIO O/o DC/District Election Officer, Fazilka and the PIO O/o Secretary, Regional Transport Authority, Ferozepur/Fazilka are issued show cause notice to explain their absence and as to why action should not be taken against them 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. They are 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 them 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. The PIOs may take note that in case they do not file the written reply and do not avail themselves of the opportunity of personal hearing on the next date fixed, it will be presumed that they have nothing to say and the Commission shall proceed to take further proceedings against them ex-parte.

7. **Since the allegations of scam during hiring of vehicles at the time of Vidhan Sabha Elections-2022 are of serious nature, both the PIOs are issued BAILABLE WARRANT to ensure their presence before the Bench on the next hearing.** They are also directed to send point-wise reply to the appellant and ensure to come present in person before the Bench to clarify the position with regard to the allegations as made by the appellant.

8. With the aforesaid directions, the matter is adjourned. **To come up 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):

- i) PIO O/o DC/District Election Officer, Fazilka**
- ii) PIO O/o Secretary, Regional Transport Authority, Fazilka**
 - for necessary compliance.**