

Rajesh Bharat

...PETITIONER

Vs.

State of Haryana and others

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. S.K.Bishnoi, Advocate,
for the petitioner.

Mr. Ashish Yadav, Addl. A. G. Haryana,
for respondents No. 1, 2, 4 and 5.

Mr. Rose Gupta, Advocate,
for respondent No. 3.

AUGUSTINE GEORGE MASIH, J. (ORAL)

In compliance with the order passed by this Court on 17.10.2018, records of case, as called for, i.e. second appeal No. 7628 of 2017, have been produced.

Learned counsel for the State has conceded that the judgment in the matter was reserved on 08.02.2018 but was actually pronounced on 19.03.2018. It is also not disputed that the document i.e. the reply, which has been filed by the SPIO i.e. Principal Medical Officer, Hisar, is dated 13.02.2018 and has been submitted after the case was reserved, which has been taken into consideration for finally deciding the case, principles of natural justice having been violated, the impugned order dated 08.02.2018 (Annexure P-6) passed by the State Information Commission, Haryana, cannot sustain and is, hereby, set aside.

Learned counsel for the State has handed over a copy of the

reply dated 13.02.2018 filed by the Principal Medical Officer, Hisar, to the counsel for the petitioner. Let the petitioner respond to the same by filing an appropriate application before the State Information Commission, Haryana within a period of two weeks.

Parties to appear before the State Information Commission, Haryana, on 05.12.2018 when the State Information Commission shall proceed to rehear the matter and decide the same.

It is made clear that in case the petitioner does not file any reply/response to the reply dated 13.02.2018 filed by the SPIO, copy whereof has been handed over to the counsel for the petitioner, within the time stipulated, no further opportunity shall be given to him to file any response and the Commission will be free to proceed with the pleadings available on record.

Writ petition stands disposed of accordingly.

November 15, 2018

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No