

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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**CIVIL WRIT PETITION NO.6211 OF 2017
DATE OF DECISION: MARCH 05, 2019**

Mandeep Kaur

.....Petitioner

VERSUS

State Information Commissioner and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Karan Singh, Advocate,
for the petitioner.

Mr. Pradeep Prakash Chahar, DAG, Haryana,
for the State.

None for respondent No.3.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On the last date of hearing i.e. 13.02.2019, the following order
was passed:-

*“It is asserted by the counsel for the petitioner that prior to the
date fixed before the State Information Commission, Haryana,
i.e. 02.02.2017, petitioner had intimated through e-mail on
31.01.2017 at 5.20 PM (Annexure P-12) that he would not be
in a position to appear before the Commission because of the
fact that he could not leave the station because of the Jat
Agitation. The said e-mail was duly received by the State
Information Commission, Haryana, which appears to have not*

been brought to the notice of the Commission at the time when the order dated 02.02.0217 (Annexure P-13) was passed. Counsel for the State to seek instructions in this regard from the State Information Commission, Haryana, within a period of two weeks.

List for further consideration on 05.03.2019.

To be shown in the urgent list.”

In compliance with the abovesaid order, learned counsel for the State, on instructions from Mr.Sushil Kumar, Reader, State Information Commission, informs the Court that the e-mail dated 31.01.2017 (Annexure P-12) had been received by the office of the State Information Commission, Haryana, but because of shortage of time, the said e-mail could not be brought to the notice of the Commission on 02.02.2017, when the impugned order, Annexure P-13, was passed.

Keeping in view the above fact, this Court is of the view that the penalty as imposed upon the petitioner vide order, Annexure P-13, deserves to be reconsidered by the State Information Commission, Haryana. Accordingly, the impugned order dated 02.02.2017 (Annexure P-13) to that extent is hereby set-aside.

Let the petitioner appear before the State Information Commission, Haryana, on **19.03.2019**, which shall thereafter pass a fresh speaking order after taking into consideration the stand of the petitioner.

The writ petition stands disposed of in the above terms.

March 05, 2019
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No