

CWP-34768-2019

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

CWP-34768-2019

Date of Decision: 16th December, 2019

Mamta

...Petitioner

Versus

State Information Commission, Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Narender Kumar Sharma, Advocate,
for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

AUGUSTINE GEORGE MASI, J. (ORAL)

On 29.11.2019, following order was passed:-

“Learned counsel for the petitioner has referred to the communication dated 21.05.2019, which has been sent not only to the petitioner, who had filed the second appeal before the State Information Commission, Haryana, but to the official respondents, who had to supply the information to the petitioner for hearing of the case on 23.07.2019 at 11:00 AM. His contention is that according to the said communication, reply/written comments to the appeal were to be submitted by the respondents on 10.07.2019, however, the Commission has proceeded to decide the appeal itself on 27.06.2019 and that too without any intimation to the petitioner and in her absence.

One copy of the writ petition be handed over to Mr. Manish Dadwal, Assistant Advocate General, Haryana, during the course of the day under proper receipt, who is directed to seek instructions from the State Information Commission, Haryana, as to how the case was taken up for hearing on 27.06.2019 without any intimation to the petitioner or there being any reason for preponement of the hearing of the case as none is present in the order dated 27.06.2019 (Annexure P-6).

List on 16.12.2019.

Let the complete records of the appeal be also produced by the Commission on the next date of hearing.”

In pursuance thereto, records of Appeal Case No.1670 of 2019 have been produced. Perusal of the said records would indicate that the petitioner was intimated through e-mails on 18.02.2019, which were duly delivered to him. The Commission, therefore, proceeded to decide the appeal vide order dated 19.06.2019. The assertion of the petitioner, with reference to communication dated 21.05.2019 (Annexure P-5) in Case No.3957 of 2019, therefore, cannot be taken into consideration with regard to Appeal Case No.1670 of 2019. Position with regard to Case No.3957 of 2019 has been explained by the counsel for the State on the basis of the record that this is another application/appeal, which was preferred by the petitioner, which was also considered and decided on 23.07.2019.

In view of the above, the grievance as has been highlighted by the petitioner is not found to be correct, however, counsel for the petitioner prays for withdrawal of the present writ petition with liberty to the

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petitioner to avail of her remedy in accordance with law by filing an appropriate application before the Commission.

Dismissed as withdrawn with liberty aforesaid.

16th December, 2019
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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