



Jammu and Kashmir State Information Commission
(Constituted under The Right to Information Act, 2009)
Wazarat Road, near DC Office Jammu, 0191-2520947, 2520937
Old Assembly Complex, Srinagar, 0194-2506660, 2506661
www.jksic.nic.in

File No. SIC/K/Comp/16/2015
Decision No. SIC/K/Comp/16/2015/57

Complaint in the case of:

Title: Mushtaq Wani v/s Tehsildar Shalteng Srinagar

Present: 1. Bashir-ul-Haq Mir, Tehsildar.
2. Mushtaq Wani, complainant.

Srinagar
04.08.2015

This is a complaint filed by Mr. Mushtaq Wani c/o PHC Zadibal Near J&K Bank, Alamgari Bazar, Srinagar under J&K RTI Act, 2009 on 10.06.2015 against Tehsildar Central, Shalteng Srinagar stating that he filed an RTI application in the office of PIO, District Development Commissioner Srinagar on 26.3.2015 regarding compensation of flood victims of estate Batamaloo (Category Rs. 75000/). That the said officer communicated vide letter dated 4.4.2015 that application has been sent to the concerned officer (copy enclosed). It is alleged that till date, the said officer failed to furnish the requisite information in the format submitted with the RTI application.

Photocopy of treasury receipt alongwith the receipt of the application submitted in DDC's office has been enclosed.

As per documents enclosed with the complaint, RTI application dated 26.03.2015 has been shown to be received by the PIO office of DDC Srinagar on 26.3.2015 under receipt No 12136. Thereafter, Tehsildar South Srinagar has transferred the RTI application to Tehsildar Shalteng Srinagar under Section 6(3) of the Act, giving reference of letter of Deputy Commissioner Srinagar's No. ADC-R/RTI/14/827 dated 28.3.2015. Tehsildar South Srinagar in the letter has pleaded that the area in question falls within jurisdiction of Tehsildar Shalteng. Copy of this letter has been marked to the information seeker who has received it and has referred to in his complaint.

Mr. Bashir-ul-Haq Mir, PIO/Tehsildar Shalteng submitted that the notice of the Commission dated 23.6.2015 came to his notice only yesterday and therefore sought time to file response to the RTI application. The complainant, Mr. Mushtaq Wani submitted that information sought for is now irrelevant, because damaged structures have already been reconstructed and insisted that penalty proceeding against PIO be initiated. However, spirit of RTI Act is to provide information to the citizens as admissible under RTI Act and also penal action for delay against PIO.

In view of above, PIO/Tehsildar Shalteng Srinagar is directed to respond to the queries of the RTI application within 10 days. However, he is not under obligation to provide information in a certain format; because definition of 'information' is 'information available as per records'. In so far as delay in disposing of RTI application is concerned, Tehsildar Shalteng is directed to

explain as to why penalty proceedings shall not be initiated for delay in responding to the RTI application transferred to him by Tehsildar South Srinagar on 4.4.2015. His explanation alongwith documentary evidence, if any, should reach the Commission within three weeks.

With the above directions the complaint filed before the Commission is disposed of.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the: -

1. Tehsildar Shalteng Srinagar.
2. Mr. Mushtaq Wani c/o PHC Zadibal Near J&K Bank, Alamgari Bazar, Srinagar.

(G.Q. Bhat)
Registrar,
State Information Commission