



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/11/2015
Decision No. SIC/K/Comp/11/2015/66

Appeal in the case of:

Title: Mohd. Maqbool Dar v/s CEO Baramulla.

Present: 1. Abdul Hamid Allayee Respondent
2. (Not present) Complainant

Srinagar
18.08.2015

This is a complaint filed by Shri Mohammad Maqbool Dar on 27.04.2015 stating that he intended to seek information from CEO Baramulla vide application dated 12.03.2015 regarding Gh. Ahmad Dar s/o Assadullah Dar, Teacher at SSA Primary School, Bonichakal Zone Singhpora, District Baramulla; that till date, the said office did not shown interest to provide relevant information, though he reminded the offices many times. He has requested the Commission to take note under the provisions of the Act to give relevant information.

As per RTI application enclosed, the information seeker has sought date of appointment of Gh. Ahmad Dar, Teacher in SSA Primary School, Bonichadal, photostate copy of order, total salary received by him till 2015 and yearly salary.

CEO Baramulla, vide reply dated 16.05.2015 submitted that the complainant applied for information on 19.03.2015 and the same was forwarded to Zonal Education Officer Singhpora Pattan on 25.03.2015 with the directions to provide point wise information to the information seeker directly(copy enclosed). It is further submitted that information seeker was under obligation to file First Appeal before FAA i.e. Director School Education Kashmir under provisions of the Act and that the complainant, instead of preferring appeal before FAA, directly made appeal before State Information Commission and thus the appeal/complaint is not maintainable under Section 16 of the RTI Act, 2009 and merits dismissal.

In compliance to the directions of the Commission dated 21.07.2015, ZEO Singhpora has sent reply to the RTI applicant vide letter dated 22.07.2015 through Registered Post on 23.07.2015 as under: -

1. *“..... date of first appointment of Mr. Gh. Ahmad Dar as ReT is 01.03.2003.*
2. *The date of confirmation of Mr. Gh. Ahmad Dar as RRT is 01.03.2008.*
3. *The photostate of the order copy are enclosed as Annexures A and B.*
4. *Total salary received by Mr. Gh. Ahmad Dar RRT PS Bonichadal till Feb. 2015 is Rs. 1602748”.*

As per Section 15 of the Act, an information seeker has a right to file complaint before the Commission, if he did not receive response from the PIO within stipulated time or the information provided by the PIO is irrelevant/incomplete etc. Under Section 15, the Commission can initiate action for delay/ incomplete information/ wrong information etc., but no orders can be

passed with regard to disclosure of information, for which information seeker shall take recourse to appeal under Section 16.

In the instant case, CEO in his counter reply has admitted to have received the RTI application on 19.03.2015 and has transferred it to ZEO Singhpora on 25.03.2015. This application has been disposed on 22.07.2015 as per documentary evidence. Therefore, prima-facie RTI application has not been disposed of within stipulated period as per the J&K RTI Act, 2009 and hence inquiry under Section 15 is in accordance with the Act.

In view of above, ZEO Singhpora is directed to explain why penalty under Section 17 of the Act shall not be imposed upon him for delay in disposing the RTI application. His explanation, if any, should reach the Commission within two week from receipt of this order.

The complainant shall have a right to file First Appeal as per Section 16 of the Act, if he is not satisfied with the information provided.

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

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the:

1. CEO Baramulla
2. ZEO Singhpora Pattan, Baramulla
3. Sh. Mohammad Maqbool Dar S/o Ab. Rehman Dar R/o Bonichakal, Pattan Baramulla

(G Q Bhat)
Registrar
State Information Commission
Srinagar