



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/SA/69/2015
Decision No. SIC/K/SA/69/2015/83

Appellant : Sh. Javaid Ahmad Wani
Respondent : PIO, Tehsildar South Srinagar
Date of last hearing : 15.09.2015
Date of decision : 15.09.2015

Brief facts in this appeal are that Sh. Javeed Ahmad Wani R/o Watal Kadal Srinagar filed an application under Jammu & Kashmir Right to Information Act, 2009 against PIO/Tehsildar South Srinagar on 04.04.2015 seeking details of flood relief cheques issued from Saffakal Chowk to Watalkadal Bridge & Patwari report of Ms. Saja Begum W/o Mohammad Amin Wani R/o Shah Kadal Srinagar about flood relief. This RTI application has been transferred by Mr. Hamid Ullah Mir AC (R) /PIO O/o Deputy Commissioner Srinagar to Tehsildar South Srinagar on 18.04.2014 under Section 6(3) of the Act with directions to provide the requisite information to the applicant within the stipulated time period under RTI Act 2009. Thereafter, appeal has been filed before FAA/AC (R) Nazool Srinagar on 01.06.2015 on the ground of non-receipt of information despite a lapse of one month as required under the Act and requesting the FAA to provide the required

information of various cheques issued to various beneficiaries from Safakal Chowk to Wataalkadal bridge.

The Commission received second appeal on 09.07.2015 on the ground that RTI application moved on 04.04.2015 before Tehsildar South Srinagar is still awaited despite lapse of one month as required under the Act. That he moved an appeal before FAA on 06.06.2015 and FAA directed the concerned to be present on 11.06.2015. He has requested that requisite information may be communicated for further proceedings.

In response to the notice of the Commission dated 21.07.2015, Shri Bilal Khurshid, Asstt. Commissioner Nazool/FAA has filed reply stating that as FAA he directed Tehsildar South Srinagar (PIO) and the appellant Mr. Javeed Ahmad Wani to be present on 11.06.2015 at 11.30 Am for hearing. That on the said date of hearing, FAA directed Tehsildar South (PIO) Srinagar to directly provide complete information to the appellant as sought by him in his application within 5 days positively from the date of hearing through prescribed mode of communication/service with copy of the said information to be communicated to his office as well. The order of the FAA dated 11.06.2015 in this regard is enclosed.

In response to the notice of the commission, Shri Arshid Ahmad Khan Tehsildar South/PIO has filed counter reply dated 05.08.2015 stating that in light of said application report has been sought from the patwari concerned/other field staff and accordingly after receiving the report from Naib Tehsildar vide letter dated 14.05.2015, the applicant was directed to collect the said information. But, despite of repeated requests the applicant filed an appeal before FAA with the prayer that he has not received the information under RTI Act. That in

compliance to the directions of the FAA, the information sought was completed and applicant was directed to collect the said information vide letter dated 26.06.2015 (copy enclosed). That despite of repeated directions, the applicant failed to collect the said information as already completed; instead of that the applicant verbally requested that the information of whole area is required by him but the applicant not submitted any fee.

In compliance with directions of the Commission conveyed on 18.08.2015 Mrs Nuzhat Khurshid Qureshi, Tehsildar South Srinagar has submitted that the Hon'ble Commissions directions passed on 13.08.2015 have already been complied and the applicant has been provided the required information vide letter dated 19.08.2015 under registered post. She also explained her position with regard to her non-appearance before the Commission on 13.08.2015 as she had joined as Tehsildar South on 11.08.2015 and was not aware about the hearing of the instant case.

As per records produced before the Commission, PIO has informed information seeker Mr. Javeed Ahmad Wani that information sought in shape of copies of damage list along with the report regarding the damage case of Mst. Saja W/o Late Mohd Amin Wani, in whose favour an amount of Rs 70,000/- stands disbursed under cheque No.041175 is enclosed herewith for perusal. This information has been sent through registered post on 21.08.2015.

The complainant submitted that information in respect of S No. 71 to 75 of acquaintance roll do not have the dates on which the cheques were issued. Accordingly, Tehsildar South is directed to provide this information in respect of beneficiaries from S No.71 to 75 to the applicant within one week.

In so far as delay is concerned, the counter statement/reply filed by the then Tehsildar Mr. Arshid Ahmad Khan, is not supported with documentary evidence. In view of the above, the then Tehsildar South Mr. Arshid Ahmad Khan is directed to produce documentary evidence of disposal of RTI application as noted in his counter statement. The present Tehsildar submitted that Mr. Arshid Ahmad Khan is presently posted as CDPO Kupwara. Registry shall accordingly issue notice on that address returnable with two weeks from the receipt of this order.

The appeal is accordingly disposed of with above directions.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the:

1. AC(R) Nazool Srinagar
2. Tehsildar South Srinagar
3. CDPO Kupwara
4. Pvt. Secy to HSIC (K)
5. Mr. Javeed Ahmad Wani R/o Watal Kadal Srinagar

(G Q Bhat)
Registrar,
State Information Commissioner
J&K Srinagar