



Jammu and Kashmir State Information Commission
(Constituted under Right to Information Act 2009)
Old Assembly Complex, Srinagar, Fax No. 0194-2484269, 2484262
Wazarat Road Near DC Office, Jammu, Fax No. 0191-2520947, 2520937
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File No: SIC/J/A/121/2015
Decision SIC/J/A/121/2015/174

Sh. Kovid Khosla	Appellant	Present
Sh. A.K. Vaid Superintending Engineer Sewerage & Drainage Circle Jammu	First Appellate Authority	Present
Sh. Narinder Sopolia Technical Officer to Executive Engineer Sewerage & Drainage Division (West) Jammu (on behalf of PIO)		Present

Jammu

04.09.2015

Briefly the facts in this appeal are that Sh. Kovid Khosla, S/o. Dr. Suresh Khosla, R/o. Opp. Eicher Showroom Sidhra, Jammu moved an application dated: 03.03.2015 before the PIO/Executive Engineer, Sewerage and Drainage Division (West) Jammu under the Jammu & Kashmir Right to Information Act, 2009 whereunder he sought the following information:-

- (a) Kindly provide the details of drainage work ongoing/completed for drainage system of Tawi-vihar Sidhra Jammu & Sidhra Jammu with yearly details of the total allocation of funds for the said scheme till date with amount spent on such scheme till date.
- (b) Kindly provide the details of concrete/non-concrete/katcha/pacca works executed by your division in entire Sidhra area since 1st January 2013 till date with details of the amount spent on each of such work.
- (c) Kindly also provide the details of the material (Cement, Saria etc.) provided by the department for execution of works mentioned above and material purchased from the market with details of the brand of the material such provided and company/firm/department from which such material was purchased.

- (d) Kindly also provide the details of the inspection team of your division under whose supervision the above stated work is being/was done with names of the JE's, AE's, AEE's under whose supervision such departmental works were done.
- (e) Kindly also provide the copy of the Measurement Book with regard to the works mentioned at above said paras.
- (f) Kindly also provide the copies of the newspaper cuttings of tenders published with regard to each work mentioned above, if tendering was done, with details of the firms which participated in the tendering process & in whose favour the tenders were passed.
- (g) Details of the departmental works/other works of emergent nature which have been done by your division in Patnitop area since 1st January 2013 till date with amount spent on each of such work and material/labour utilized.

The PIO/Executive Engineer, Sewerage and Drainage Division (West) Jammu vide office No. SDJ/W/3898-99 dated: 17.03.2015 furnished the requisite information to the information seeker and the same was dispatched through registered post, at the residential address, provided in the RTI application by the information seeker. However, the information seeker was not satisfied with the information provided to him, filed first appeal dated: 24.03.2015 before the First Appellate Authority/Superintending Engineer, Sewerage and Drainage Circle Jammu. The perusal of the record shows that the First Appellate Authority has not adjudicated and disposed of the first appeal and the applicant, feeling aggrieved of the inaction on the part of First Appellate Authority, filed 2nd appeal dated: 11.08.2015 before the Commission in which he has alleged, inter-alia, that the PIO has provided him incorrect and incomplete information. The First Appellate Authority/Superintending Engineer, Sewerage & Drainage Circle Jammu while acting under Section 16 of the Jammu & Kashmir Right to Information Act, 2009 is a quasi-judicial authority and under statutory obligation to dispose of an appeal within 30 days of its receipt or within such extended period not exceeding total of 45 days from the date of filing thereof, as the case may be, for reasons to be recorded in writing, whereas, in this case the First Appellate Authority/Superintending Engineer, Sewerage & Drainage Circle Jammu slept over the matter and didn't follow the mandate of the Jammu & Kashmir Right to Information Act, 2009 and is hereby warned to remain careful in future and act with circumspection while disposing of appeals under Jammu & Kashmir Right to Information Act, 2009.

The Commission after receiving the 2nd appeal listed the matter for hearing on 04.09.2015. During the course of proceedings held today, the RTI application and the 2nd appeal of the appellant were discussed

threadbare and it was found that the information provided by the PIO, with respect to queries (A, D, E & F), is incomplete and needs to be amplified/supplemented with more inputs from the office record, maintained in the office of Executive Engineer, Sewerage and Drainage Division (West) Jammu. The Technical Officer to Executive Engineer, Sewerage & Drainage Division (West) Jammu and the First Appellate Authority/Superintending Engineer, Sewerage & Drainage Circle Jammu assured the Commission that they will furnish the revised information to the information seeker, as per office record, and sought ten (10) days time to do the needful.

In view of the aforesaid facts and observations, the PIO/Executive Engineer, Sewerage & Drainage Division (West) Jammu and FAA/Superintending Engineer, Sewerage & Drainage Circle Jammu are hereby directed to furnish the revised information, relating to above said queries, as per office record, free of cost within ten (10) days from the date of receipt of this order, under an intimation to the Commission. The PIO is further directed to dispatch the information to the information seeker, under a registered cover, at the address provided by the information seeker in his RTI application.

The appeal is accordingly disposed of.

Notice of this decision be given free of cost to the parties.

Sd/-

Dr. S.K. Sharma

State Information Commissioner

Copy to the:

1. FAA/Sh. A. K. Vaid, Superintending Engineer, Sewerage & Drainage Circle Jammu.
2. Sh. Narinder Sopolia, Technical Officer to Executive Engineer, Sewerage & Drainage Division (West) Jammu.
3. Appellant/Sh. Kovid Khosla, S/o. Dr. Suresh Khosla, R/o. Opp. Eicher Showroom Sidhra, Jammu.

(Khalid. A. Shah)

Dy. Registrar

State Information Commission