



J&K State Information Commission
(Constituted under Right to Information Act 2009)
Old Assembly Complex, Srinagar, Fax No. 0194-2506661/2506662
Wazarat Road Near DC Office, Jammu, Fax No. 0191-2520947, 2520937
www.jksic.nic.in

File No: SIC/J/A/76/2015
Decision No: SIC/J/A/76/2015/183

Sh. Mohd Younis,	Appellant	Absent (Heard telephonically)
Sh.Asgar Hussain, Executive Engineer, EM &RE Div.Kishtwar	PIO	Present

JAMMU
10.09.2015

Briefly the facts in this appeal are that Sh. Mohd Younis, S/O Sh. Ghulam Mustafa Mattoo, R/O Soti Dudwar, P.O. Kilhotran, Tehsil Gandoh, District Doda moved an application dated 16.04.2015 before the PIO, office of the Chief Engineer, EM&RE Wing, PDD, Jammu under the Jammu & Kashmir Right to Information Act, 2009 whereunder he sought the following information:

1. Through SDRF Scheme how many transformers sanctioned by Division EM& RE, Kishtwar and how many transformers are replaced in Division Kishtwar. Mention the name of station during the session 2013-14 and 2014-15.
2. Carriage of replaced transformers of SDRF Scheme why not released/Paid to the Labour.
3. M.R.Sheet of L.T.improvement of all Sub Divisions and Division Kishtwar for the year 2013-14 and 2014-15.

The RTI application of the information seeker was transferred to PIO/Executive Engineer, EM&RE Div.Kishtwar vide office letter No. CEJ/RTI/383/31-31 dated 24.04.2015. Feeling aggrieved of inaction on the part of the PIO, the appellant filed first appeal dated 19.05.2015 before the First Appellate Authority/Chief Engineer, EM&RE Wing, PDD, Jammu which was disposed of vide order No.CEJ/RTI/383/106-07 dated 27.05.2015 with the direction to the PIO/Executive Engineer, EM&RE Div.Kishtwar to furnish the requisite information to the information seeker within seven days. In the second appeal dated 18.06.2015, the appellant alleged that he has received no response from the PIO till date. The stand taken by the PIO in the counterstatement is that the RTI application was received in his office on 23.05.2015 and the information sought by the information seeker was voluminous in nature and as such he was directed to visit the office of the PIO vide office letter No.ED/Ktr/15-16/946-48 dated 28.05.2015 but the applicant never caused his presence. The PIO further submitted in the counterstatement that a reminder was also sent to the applicant vide office letter No.ED/Ktr/15-16/2126-28 dated 10.08.2015 for visiting the office to collect the record. The PIO has alleged that it seems that the applicant is not interested in getting the information but to harras the officer. The PIO also apprised the Commission that the applicant is a habitual information seeker and the office of EM&RE Division Kishtwar has already disposed of two applications during 9/2014 and 2/2015 and provided the information to the applicant to his satisfaction. The PIO also submitted that the orders of the First Appellate Authority were implemented in letter and spirit and the applicant was directed to inspect the record in their office so that the information requested by him may be provided under the J&K Right to Information Act, 2009. During the course of proceedings held today, the appellant was heard telephonically and he insisted that the information may only be provided to him in documentary form and inspection of record will not be feasible for him. However, the perusal of the RTI application of the information seeker shows that the information sought is voluminous and it is not manually possible for the office of the public authority to create and

consolidate the said information in the format sought by the information seeker. The public authority is not supposed to create the information or divert its resources for compiling the information which may be voluminous in nature because such an exercise will detract the public authority and its supporting staff from performing their normal duties and will also disproportionately divert their resources in answering the RTI applications. In the given circumstances, it would be feasible, if the appellant is allowed an opportunity to inspect the record and access the information accordingly. The PIO assured the Commission that he will provide the appellant an opportunity to inspect and access the record in his office on a working day convenient to him.

In view of the aforesaid facts and observations, the PIO/Executive Engineer, EM& RE Div.Kishtwar is hereby directed to allow the appellant an opportunity to inspect the record in his office on a working day during office hours and provide certified copies of the relevant documents if requested by the information seeker on payment of requisite fee as prescribed under the J&K Right to Information Act, 2009 and the Rules framed thereunder. The parties are at liberty to settle the date and time for inspection of record which may be convenient to them.

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

Vishwa

Copy to the:

1. Sh. Mohd Younis, S/O Sh. Ghulam Mustafa Mattoo, R/O Soti Dudwar, P.O. Kilhotran, Tehsil Gandoh, District Doda.
2. Sh.Asgar Hussain,Executive Engineer,EM &RE Div.Kishtwar.

(Khalid A. Shah)

Deputy Registrar,

J&K State Information Commission