



Jammu and Kashmir State Information Commission
(Constituted under Right to Information Act 2009)
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Wazarat Road Near DC Office, Jammu, Fax No. 0191-2520927, 2520937
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File No: SIC/J/A/138/2015
Decision SIC/J/A/138/2015/187

Sh. Satinder Gupta Advocate	Appellant	Present
Sh. Rajesh Sharma Assistant Registrar (Legal) SMVDU-Katra	Public Information Officer	Present

Jammu
24.09.2015

Briefly the facts in this appeal are that Sh. Satinder Gupta, Advocate S/o. Sh. Bansi Lal, R/o. 123-Shanti Vihar, Paloura, Jammu moved an application dated: 05.02.2015 before the Public Information Officer, Shri Mata Vaishno Devi University (SMVDU), Katra under the Jammu & Kashmir Right to Information Act, 2009 whereunder he sought the following information:

1. Certified copies of all the letters issued to Ms. Poonam Magotra, Assistant, Medical Aid Centre, SMVDU by the Medical Officer and Registrar during the year 2014.
2. Certified copy of the report submitted by the Enquiry Committee of (Prof. V.K. Bhat, Dean, FOS and Dr. Ratna Chandra, Assistant Professor, SBT) on the allegation of misconduct against Ms. Poonam Magotra, Assistant, Medical Aid Centre including associate file noting made by all the officers/officials of the University.
3. Reasons on record for non extension of the service of Ms. Poonam Magotra, Assistant by Registrar, SMVDU w.e.f. May, 2014 till date.

The appellant feeling aggrieved of inaction on the part of PIO filed first appeal dated: 30.03.2015 before the First Appellate Authority/Registrar, SMVDU-Katra. The perusal of the record shows that the first appeal has not been adjudicated and disposed of by the First Appellate Authority within the statutory period and as such feeling aggrieved of inaction on the part of PIO as well as FAA the appellant filed 2nd appeal dated: 12.06.2015 before the Commission. The appeal was listed for hearing on 24.09.2015. The PIO as well as the appellant were present in person before the Commission.

During the course of proceedings held today, the appellant acknowledged the receipt of the information provided to him vide office No. SMVDU/Adm/Estt./15/2079 dated: 31.08.2015 comprising of 39 pages which were received by him on 11.09.2015. The appellant brought to the notice of the Commission that the letter issued by the Medical Officer, SMVDU vide No. SMVDU/MAC/14/196 dated: 09.05.2014 whereunder the explanation of Ms. Poonam Magotra was sought has not been provided. The Medical Officer in the said letter has acknowledged the receipt of inter office correspondence indicating instances of misconduct on her part. The aforesaid letter issued by the Medical Officer to Ms. Poonam Magotra further reads "a copy of the same is enclosed herewith with directions to submit your reply on the same to the undersigned within 2 days for further necessary action". The appellant alleged before the Commission that the information provided to him is deficient and it does not contain the said annexure as mentioned in the above said letter dated: 09.05.2014 issued by the Medical Officer to Ms. Poonam Magotra and requested the Commission that the PIO be directed to provide the same.

From the perusal of the counter statement filed by the PIO and the documents annexed therewith it is evident that there is a delay on the part of the university authorities in furnishing the information to the information seeker. The PIO has justified the delay on his part by submitting in the counter statement that no information record was received by him in terms of assistance sought under Section 5 (4) of the Jammu & Kashmir Right to Information Act, 2009 from the Establishment Section of the university and the appellant was intimated the factual position upon the expiry of 30 days. The PIO further submitted that the concerned Establishment Section provided the requisite information vide letter No. SMVDU/Adm/Estt/15/2079 dated: 31.08.2015 and the same was furnished to the applicant vide letter NO. SMVDU/PIO/15/71 dated: 09.09.2015.

From the aforesaid facts it is apparent that there is delay in furnishing the information to the information seeker which is contrary to the mandate of the Jammu & Kashmir Right to Information Act, 2009. The PIO took all possible care in providing the information to the information seeker and from the aforesaid facts and the counter statement filed by the PIO it is apparent that the delay is on the part of the establishment section of the University which is being headed by an Assistant Registrar/Deputy Registrar etc.

The First Appellate Authority being quasi judicial authority under the Jammu & Kashmir Right to Information Act, 2009 is under a statutory obligation to dispose of an appeal within 30 days which may be extended to total 45 days for reasons to be recorded in writing, whereas, in this case it appears that the First Appellate Authority slept over the matter and even after the appellant took recourse to the 2nd appeal, the first appeal remained sub-judice before the First Appellate Authority. The First Appellate Authority is hereby warned to be careful and act with circumspection in future while handling the RTI appeals.

The Registrar, SMVDU-Katra is directed to hold an inquiry into the matter and fix up the responsibility of the officer/official who has been responsible for delay and obstructing/suppressing the information and report to the Commission within three weeks from the date of receipt of this order.

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/Registrar, Shri Mata Vaishno Devi University, Kakryal (Katra)-182320 for compliance.
2. PIO/Sh. Rajesh Sharma, Assistant Registrar (Legal), Shri Mata Vaishno Devi University, Kakryal (Katra)-182320.
3. Appellant/Sh. Satinder Gupta, Advocate, S/o. Sh. Bansi Lal, R/o. 123-Shanti Vihar, Paloura, Jammu.

(Renu Mahajan)

Joint Registrar

State Information Commission