



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/91/2015
Decision No. SIC/K/SA/91/2015/85

Appellant : Syed Ashaq Hussain
Respondent : PIO/Dy. Medical Supdt. LD Hospital
Srinagar
Date of last hearing : 18.09.2015
Date of decision : 18.09.2015

Brief facts in this case are that Mr Syed Ashaq Husain R/o Nazneenpora Shopian filed a RTI application on 11.05.2015 before Medical Superintendent, Lal Ded Hospital Srinagar seeking following information:

- 1. Number of rooms meant for residential purpose/family quarters in Lal Ded Hospital Hostel Srinagar.*
- 2. Names of Employees against whom these rooms/quarters have been allotted, along with allotment copy.*
- 3. Amount of HRA deducted from each employee.*
- 4. Names of Employees to whom rooms/quarters have not been allotted.*
- 5. Total amount of HRA collected for the last 03 years.*

The RTI application filed on 11.05.2015 has been responded by PIO Lal Ded Hospital on 8.06.2015 informing as under:

1. *46 (Forty Six)*
2. *List enclosed*
3. *Amount of HRA deducted Rs 23,08,128/- (List enclosed)*
4. *Rests of the official posted in Lalla Ded Hospital are without Government accommodation due to non availability of accommodation.*
5. *Total amount of HRA Collected for the last 03 years 23,08,128/-*

Thereafter, he has filed an RTI application/appeal with Medical Superintendent LD Hospital alleging misleading information to hide some fraud. Thereafter the Commission received 2nd appeal on 26.08.2015 stating that the reply received by him on 08.06.15 was incomplete to hide the misdeeds going in LD Hospital. That he submitted that another RTI application on 10.06.2015 with details that point wise reply may kindly be given as was asked. He has also requested the Commission to take action under RTI Act against delinquent officers.

In the meanwhile, PIO L.D Hospital Srinagar has provided additional information to the appellant Syed Ashaq Hussain on 07.08.2015 along with six enclosures.

Upon perusal of information provided on 08.06.2015 and on 07.08.2015, the Commission has observed as under:

In response to Point 1 information given by PIO is 46. The appellant contested this information and produced a list of 48 families compiled by him who are reportedly residing in family quarters L. D. Hospital Srinagar. However, this is not an information provided by Public Authority and therefore it cannot be treated as authentic information. Accordingly, the list given by the appellant is provided to PIO L.D Hospital Srinagar with

directions to Medical Supdt. to enquire into the matter and appraise the Commission accordingly.

In response to Point 2, the PIO has initially provided a list of 25 employees along with amount of rent deducted for last three years. Thereafter, vide reply dated 07.08.2015 a list of 30 officials with name; designation and monthly rent deduction have been provided.

The PIO clarified that the variation in List is due to the fact that initially only a list of such employees were compiled who had paid rent for the last three year. Later on, the list of 30 officials has been compiled who are residing in these quarters at present and from whom monthly rents are being deducted.

The appellant alleged that employees figuring at S No. 3, 6, 10 to 13 and 20 of information provided under letter 08.06.2015 are not physically residing in government quarters, thereby depriving deserving staff of Govt. accommodation.

It is to clarify that as per definition “Right to Information” means providing information as is available on record. Such information has been provided by the PIO. It is further to clarify that PIO is not supposed to physically check whether anybody is staying in these quarter or not, this being outside the definition of “Right to Information”. However, Medical Superintendent L.D. Hospital Srinagar is directed to enquire into the matter and take necessary action under rules.

Information as sought at Pt. 3 has already been given in the list of employees who are availing accommodation. The query at Pt. 4 has been responded at Para 3 of reply dated 07.08.2015. Reply of Pt. 5 has been given vide letter dated 08.06.2015 amounting to Rs 23,08,128/-.

The appellant alleged that in most cases HRA is not deducted from the salary of employees in whose favour quarters are allotted. This is a serious matter involving loss of revenue to the state. Accordingly, Medical Superintendent L. D. Hospital Srinagar shall enquire into the matter and take necessary action in recovering HRA allowances as per rules

The Commission would like to point out that it is also the duty of the information seeker to point out irregularities found, if any, on the basis of information obtained by him and approach competent authority.

With these directions, the appeal filed before the Commission is disposed of.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the:-

1. Medical Superintendent L. D. Hospital Srinagar
2. PIO/Dy. Medical Supdt. L. D. Hospital Srinagar
3. Pvt. Secy to HSIC (K)
4. Syed Ashaq Hussain S/o Gh. Mohi-ud-Din R/o Nazneenpora Shopian

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