



J&K State Information Commission
Old Assembly Complex, Srinagar . 0194-2506661
Wazarat Road, Near DC office , Jammu. 0191-2520937.
www.jksic.nic.in

File No. SIC/CO/SA/281/2015
Decision No. SIC/ CO/SA/281/2015/794

Appellant : Ghulam Hassan Khan
Respondent: FAA / PIO Power Dev. Department
Date of hearing : 16-09-2015
Date of Decision: 16-09-2015
Chief Information Commissioner: G.R. Sufi
Referred Sections: Section 6,7,17 of the J&K RTI Act, 2009.
Result: Appeal disposed of.

1. Mr. Tahir Aijaz, Deputy Secretary-cum-FAA and Shri Umesh Sharma, Under Secretary-cum-PIO Power Dev. Department attended the Commission. Appellant also attended.

FACTS:

2. Mr. Ghulam Hassan Khan, a resident of the State has approached this Commission with his 2nd appeal under Section 16 of the J&K, RTI, Act, 2009 with a prayer for issuing direction to the PIO to provide him information.

3. Brief facts of the case are that the appellant filed an RTI application before PIO, PDD, Civil Secretariat on 08-05-2015, seeking following information:-

- "i) Action taken in respect of the requisite information furnished to Addl. Secretary to govt. PDD Srinagar on 12.08.2014 vide registered mail under No: RE843398414. (Self attested Photostat enclosed for ready reference).
- ii) Present status of the case, citing reference of the relevant correspondence undertaken if any."

The order under Section 7, giving response to the RTI application was to be passed by or before 08-06-2015 as prescribed under the Act. As the appellant did not receive any response from the PIO, he preferred first appeal before the First Appellate Authority on 17-06-

2015. The FAA did not adjudicate the first appeal. The First Appellate Authority was under legal obligation to adjudicate this appeal on the basis of facts of the case and record available. However, he did not adjudicate this appeal. Having not received any response from FAA, appellant approached this Commission with his 2nd appeal which is under consideration.

DECISION:

Hearing in this case was fixed today i.e 16.09.2015. Both the parties were present and have been heard. Appellant stated before the Commission that he did not receive any response from the PIO within the outer limit of 30 days. He further stated that his first appeal was also not adjudicated. First appeal was received in the office of FAA on 18.6.2015 and appeal should have been adjudicated within 30+15 days after recording reasons for the delay of 15 days. However, the appeal was not adjudicated within such time. Present Deputy Secretary-cum-FAA Shri Tahir Aijaz, has informed the Commission that his predecessor was transferred the date he received the first appeal and for two months and twenty days there was no other officer designated as FAA. Present FAA was nominated only on 09.09.2015 by the Principal Secretary to Government, Power Development Department vide his Order No: 192-PDD of 2015 dated: 09.09.2015. Commission has gone through the records and heard both the parties and has come to the conclusion that the appellant has not been provided information till date i.e despite lapse of more than two months. Therefore, the PIO Shri Umesh Sharma is required to prove whether the order was served on the appellant as per provisions of J&K State RTI Rules, 2012. He is also directed to explain why penalty proceedings under section 17 of the J&K State RTI Act, 2009 may not be initiated against him. His reply, if any, must reach this Commission within 15 days from the date of receipt of this order.

The second appeal is accordingly disposed of

Sd/-

(G.R. Sufi)

J&K State Chief Information Commissioner

No: SIC/CO/SA/281/2015

Dt:

Copy to:

1. FAA, Power Development Department, Civil Sectt. Srinagar
2. PIO, Power Dev. Department, Civil Sectt. Srinagar
3. Shri Ghulam Hassan Khan, R/o 74 Faizabad Colony, Naik Bagh, Nowgam
4. PS to Chief Information Commissioner
5. Guard file.

(G.Q. Bhat)

Registrar

State Information Commission

