



J&K State Information Commission
Wazarat Road, Near D.C. Office, Jammu /
Old Assembly Complex, Srinagar.

File No. SIC/CO/SA/292/2015
Decision No. SIC/ CO/SA/292/2015/799

Appellant : Mr. Sheraz Hussain Bhat

Respondent: FAA, Civil Aviation Department, Civil Secretariat,
J&K, Srinagar.
PIO, Civil Aviation Department, Civil Secretariat,
J&K, Srinagar.

Date of hearing : 22-09-2015

Date of Decision: 22-09-2015/

Chief Information Commissioner: G.R.Sufi

Referred Sections: Section 3, 16(4) of the J&K RTI Act, 2009.

Result: Appeal disposed of.

Mr. K.S.Chib, First Appellate Authority, Civil Aviation Department, J&K, Mr. Mushtaq Ahmad, PIO, Civil Aviation Department, J&K and Mr. Sheraz Hussain Bhat, appellant attended the Commission.

FACTS:

Mr. Sheraz Hussain Bhat, a resident of the State while exercising his right to information conferred on him under Section 3 r.w. Section 6 of the J&K RTI Act, 2009 filed an RTI application before PIO, Civil Aviation Department, J&K on 27-05-2015, seeking certain information, as listed in the RTI application. The PIO, Civil Aviation Department passed an order on 24-06-2015, which is well within time, as prescribed

under the Act and is appreciated. Being aggrieved of the order of PIO, appellant preferred first appeal before First Appellate Authority on 06-07-2015, which was adjudicated by the FAA vide his order dated: 03-08-2015. The FAA while adjudicating the first appeal had provided some information to the appellant, which is beyond his jurisdiction under the law. Under J&K RTI Act, 2009, the FAA has a duty to see whether PIO has disposed of the RTI application correctly. In case, the FAA finds that order of PIO is correct and in consonance with the contents of RTI application, he had upheld that order. But in case, he finds that information has wrongly been denied to the information seeker or incomplete information has been provided, he has to give a direction to the PIO to provide correct and complete information to the information seeker, if available on records. Again being aggrieved of the order of FAA and not satisfied with the information provided thereof, appellant approached this Commission with his 2nd appeal, received in the Commission on 19-08-2015 with a prayer to Commission to direct the concerned to provide him the requisite information.

DECISION:

The Commission while perusing the order of the FAA and PIO of the Civil Aviation Department and while going through the contents of the RTI application found that information on various points has not been provided as per RTI application. Only, point 5 of the RTI application has been replied correctly. At point 1 of his RTI application, appellant has asked when two posts of Aircraft Technician Grade-III available in Civil Aviation Department will be send to J&K, Service Selection Board for open advertisement and Selection. The reply so provided by the PIO with regard to this point is not specific, hence he is directed to provide information specifically, as asked by the appellant. At point 2 of the RTI application, appellant has asked if these two posts will not be referred to JKSSB, then what will be the other procedure for filling these two posts. Again this information has not been disclosed in consonance with RTI application. Hence, PIO is directed to provide this information to the appellant in accordance with contents of RTI application. Point 3 of the RTI application has been partially replied by the PIO. It has not been conveyed to the appellant against which post Shri Partha Tarafdar is drawing his salary, which is ordered to be disclosed to the information seeker. Similarly, PIO to provide information seeker, copy of the order,

which entitled said Mr. Partha Tarafdar for Departmental vehicle and other benefits like phone bills, air tickets, etc. PIO also to provide Xerox copies of qualification of Mr. Partha Tarafdar, as sought by the appellant. Point 6&7 of the RTI application also are not replied as per contents of the application. PIO to reply these 02 points strictly as per RTI application, i.e., how many candidates worked as Trainee Technician/Apprentice & gained experience in Civil Aviation Department under the approval of J&K Civil Administration and why there is no formal notice inviting tenders or requests for proposals on open tender basis for major maintenance of Aircrafts. Point 8 of the RTI application is not relevant as per RTI Act. Appellant has asked PIO, why he had provided him incomplete information with regard to his some earlier RTI application. PIO is not supposed to take cognizance of this argument of the appellant, instead, appellant has to invoke Section 16 or 15 of the Act to pursue the case further.

With these observations and directions, 2nd appeal is disposed of accordingly.

Sd/-

(G.R.Sufi)

Chief Information Commissioner

Dated: -09-2015

No. SIC/CO/SA/292/2015/

Copy to the:-

1. First Appellate Authority, Civil Aviation Department, Civil Secretariat, J&K, Srinagar.
2. Public Information Officer, Civil Aviation Department, Civil Secretariat, J&K, Srinagar.
3. Pvt. Secretary to HCIC.
4. Mr. Sheraz Hussain Bhat S/o Ghulam Mohi-ud-Din Bhat R/o Tethar Banihal, District Ramban-182146 (Appellant).
5. Guard File.

(G.Q.Bhat)

Registrar,

J&K, State Information Commission