



**Jammu and Kashmir State Information Commission**

(Constituted under Right to Information Act 2009)

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File No: SIC/J/A/265/2016

Decision SIC/J/A/265-B/2016/279

**Sh. Parshotam Singh.**

**... (Appellant)**

V/s

**FAA/ PIO: SMVDSB,Katra.**

**...(Respondents)**

Date of Institution : 15.02.2016  
Date of Decision : 04.04.2016  
Decision : Appeal disposed of.

Mr. Pankaj Gupta, Deputy CEO, SMVDSB, Katra, Mr. Rohit Kohli counsel for the respondents, Mr. Parshotam Singh, appellant and Mr.Vilakshna Singh counsel for appellant attended the Commission.

**Brief facts:**

Appellant filed second appeal under section 16(4) of J&K RTI Act, 2009 on 15.02.2016 against FAA/PIO, SMVDSB, Katra stating that he filed RTI application before PIO, SMVDSB, Katra on 02.01.2015, seeking information pertaining to the conditions of service of the employees of SMVDSB. That PIO responded on 15.01.2015, while refusing to provide information on the

ground that amenability of institution of Governor under RTI Act is sub-judice before the Hon'ble Supreme Court of India. That aggrieved by the response of the PIO, he preferred first appeal before First Appellate Authority, which was dismissed vide order dated: 02.05.2015. Thereafter, appellant approached the Commission by filing second appeal. During pendency of second appeal, PIO furnished information vide order dated: 04.09.2015. The second appeal was disposed of by the Commission holding SMVDSB, Katra as a public authority. The appellant again filed first appeal against the order of the PIO on 20.10.2015, which was disposed of by FAA/Executive Officer, SMVDSB, Katra vide order dated 24.11.2015.

The present appeal has been filed on the ground that respondents have provided incomplete information in respect of Points:1,2,6,7,8,9 and 10 of his RTI application.

In view of the above, appellant has prayed for setting aside the order of First Appellate Authority dated 24.11.2015 and directing PIO to provide him complete information sought in the RTI application. Further, he has also requested for imposition of penalty on PIO u/s 17 of J&K RTI Act, 2009 for providing incomplete information.

### **Proceedings:**

During the course of proceedings held today, point-wise reply of PIO viz-a-viz issues raised by appellant in his second appeal were perused before the parties and learned counsels representing them.

In response to **Point-1**, appellant has contested that "information pertaining to higher pay scale scheme for regular employees" has been provided, whereas appellant has asked for information" whether any policy for employees for time bound promotion exists in different cadres". The PIO

submitted that the policy regarding higher pay scale scheme for regular employees is very much policy of time bound promotion. The Commission agrees that the information provided by the PIO is relevant to the information sought by the appellant. However, PIO is directed to file a response with regard to policy in respect of other cadres of the Board.

In response to **Point-2**, Commission is of the considered view that information provided is not fully relevant/specific to the information sought. Accordingly, PIO is directed to provide specific response as per records.

In response to **Point-6**, PIO has given information regarding recruitment and other service conditions for SMVDSB employees governing employment of various persons of the Shrine Board. However, plea of counsel for the appellant is that he could not find any clause regarding policies/guidelines for re-employment of Govt. servants. PIO submitted that bye-laws include conditions regarding re-employment of government employees. Accordingly, PIO is directed to provide relevant portion of this information to the appellant.

With regard to Point-7, information whether SMVDSB is contemplating to increase age of superannuation. The reply of PIO is that information sought does not fall under definition of "Information" in terms of the Act.

As per Oxford dictionary, contemplate means "survey with the eyes or in the mind". Evidently, information means, what is on record and not which is on somebody's mind. Therefore, reply of PIO is in accordance with provisions of the Act.

With regard to **Point-8**, Appellant wants to know if Board has taken up providing loan at cheaper rates with Bank and status of deposit of donations. Reply of PIO is that it does not fall under the definition of "information" as per

Section 2(b) of the Act. The Commission is of the view that information sought falls within the definition of "information" as per Section 2(d). Therefore, plea of applicant is upheld and PIO is directed to provide information/response as per records.

In response to **Point-9**, PIO drew attention that CPF schedules of employees of SMVDSB from 2006 have not yet been received from Employees Provident Fund office and matter has been taken with the concerned. In this regard, he produced a copy of letter dated: 04.03.2016. Accordingly, PIO is directed to provide copy of this letter to appellant and details of CPF deducted from the salary of the appellant Mr. Parshotam Singh be provided to him.

The plea of appellant with respect to **Point-10** is that although he has sought information of policies/guidelines since 1997, PIO provided the policies/guidelines from the year 2005. Since, the information has been sought from 1997; PIO shall inform the appellant regarding policies/guidelines from the years 1997 to 2005 as per record.

PIO requested that in view of the inauguration of hospital of SMVDSB at Katra by the Hon'ble Prime Minister, entire staff of the Board is busy and sought adequate time for filing the compliance report. Accordingly, the plea of the PIO is accepted and he is directed to comply with directions of the Commission by or before 30<sup>th</sup> April, 2016.

The appeal is disposed of with above directions.

Sd/-  
(Er. Nazir Ahmed)  
State Information Commissioner

Copy to the:

1. CEO-cum-FAA, SMVDSB, Katra.

2. PIO-cum-Dy.CEO, SMVDSB, Katra.
3. Appellant: Sh.Parshotam Singh,S/O Late Sh.Suraj Singh,R/O New Barrian, Ward No.5,Bharat Ngar,Udhampur.

(Renu Mahajan)  
Joint Registrar,  
J&K State Information Commission