



**Jammu and Kashmir State Information Commission**

شہن ى كم شهن ى انفارم ٹى اسٹ رى كشم نڈى ا جمون

(Constituted under The Right to Information Act, 2009)

**Wazarat Road, near DC Office Jammu, 0191-2520947, 2520937**

**Old Assembly Complex, Srinagar, 0194-2506660, 2506661**

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File No. SIC/K/SA/23/2016

Decision No. SIC/K/SA/23/2016/02

Appellant : Mr. Mohammad Sabir Ganie  
Respondents : ACD Bandipora.  
Date of Registration : 25.02.2016  
Date of Decision : 01.04.2016

**Brief facts:** - The appellant filed Second Appeal on 25.02.2016 stating that he submitted an application under J&K RTI Act, 2009 on 13<sup>th</sup> October, 2015 before PIO/ACD Bandipora. That he filed First Appeal on 3<sup>rd</sup> December, 2015 before FAA/Director Rural Development Kashmir, who disposed of the First Appeal on 15<sup>th</sup> January, 2016 with the direction to PIO to provide the information. But information which the PIO has provided is incomplete/incorrect and misleading. The appellant has prayed the Commission that penalty should be imposed and concerned PIO be directed to provide complete and proper information.

In reply to the notice of the Commission, PIO/BDO Bandipora filed Counter Statement on 23.03.2015 interalia submitting that RTI application dated 13.10.2015 was received by his office 16.10.2015 and accordingly vide letter dated 21.10.2015 information seeker was asked to deposit photostate charges so that information is

provided to him. That after a delay of one-month, information seeker deposited photostate charges on 30.11.2015. Thereafter information sought by him was delivered on his postal address vide letter dated 21.12.2015.

In his counter statement dated 15.03.2016, FAA/Director Rural Development Department, Kashmir submitted that First Appeal was adjudicated vide order dated 15.01.2016 (copy enclosed). The FAA after hearing both the parties has concluded that there is nothing wrong with the order of PIO and delay in delivering the information may possibly be from Postal Department. Therefore, keeping in view the spirit of the Act, he has directed the BDO Bandipora to dispatch another copy of the full information the appellant as sought by without any charges. Copy of this order is marked to the appellant also.

Heard parties and perused records.

In response to Point-1, BDO has enclosed copy of application filed before Public Prosecutor (Defense Counsel), Rural Development Department, Bandipora titled Sabir Ganaie v/s State and Others, wherein it is stated that based on records available in his office, petitioner's father has donated land for construction of Panchayat Ghar in 1969 and the plaintiff's father (the donor of the land) has got compensation of the land amounting to rupees 900/- from Panchayat Committee of the time. That payment of land in question has been made by the Panchayat Committee of the time and resolution passed by the Panchayat Committee is enclosed. The appellant submitted that receipt of amount received has not been made available to him. BDO submitted that as per records, only resolution of Panchayat Members are on record, which has been provided to the information seeker.

With regards to other Points, the Commission upholds order of the FAA dated 15.01.2016 with directions to the PIO/BDO Bandipora to provide a copy of regularization order as per information sought at Point-2, to the appellant.

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

Sd/-  
(Nazir Ahmed)  
State Information Commissioner

Copy to the: -

1. Director Rural Development Department Kashmir.
2. BDO Bandipora.
3. Pvt. Secretary to Hon'ble State Information Commissioner.
4. Mr. Mohammad Sabi Ganie s/o Sonauallah Ganai r/o Guroora, Bandipora.

(M.S. Bhat),  
Deputy Registrar,  
State Information Commission