



Jammu and Kashmir State Information Commission
(Constituted under Right to Information Act 2009)
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File No: SIC/J/A/247 (I)/2016
Decision SIC/J/A/247 (I)/2016/277

Sh. Mohd. Ayub Ayan

V/s

FAA/PIO, CA & PD, Jammu

... (Appellant)

... (Respondents)

Date of Institution : 19.01.2016
Date of Decision : 04.04.2016
Decision : Appeal disposed of.

1. Sh. Syed Ahmed, PIO-cum-Assistant Director, CA & PD, Reasi, Mr. Rohit Verma Jr. Assistant (on behalf of FAA/Director, CA & PD) and appellant attended the Commission.

2. **Brief Facts:** Appellant filed 2nd appeal on 19.01.2016, against PIO/Assistant Director (Food), CAPD, District Reasi and FAA, Directorate of CAPD, Jammu. It is submitted that appellant filed an application under RTI on 15.10.2015 (by post) before PIO, seeking certain information but in spite of a lapse of 30 days, no information was provided. That he filed First Appeal on 27.11.2015 (by post) before FAA/Director, CAPD seeking information. However, no action was taken by the FAA on his appeal. He has accordingly requested the Commission that information as per RTI Act may be provided, besides, penalty may be imposed on FAA and PIO.

3. The RTI application enclosed with the appeal is addressed to PIO/ADF, CAPD, Reasi dated: 15.10.2015, seeking information on 05 points regarding supply of ration to BPL, APL, AAY categories and information related thereto.

Proceedings:

4. In response to notice of the Commission Sh. G.S. Chib, FAA/Director, CA&PD, Jammu has filed reply dated: 24.03.2016, inter alia submitting that on 26.11.2015, appellant preferred First Appeal, which was received by the Directorate on 28.11.2015. That after scrutinizing the available records, FAA

passed an order vide letter dated: 09.01.2016, directing PIO (Assistant Director, CA & PD, Reasi) to provide the required information as and where is basis and disposed of the same. In this regard, FAA has enclosed copy of order dated: 09.01.2016, with copy to appellant.

Appellant submitted that order of the FAA was received in the post office, Reasi on 23.01.2016, and his plea is that there has been delay in disposing of the First Appeal. As per provisions of section 16(7) of the Act, FAA has to dispose of the First Appeal within 30 days of the receipt of the appeal or within such extended period not extending a total of 45 days. In this case, First Appeal has been received on 28.11.2015, and disposed and dispatched on 09.01.2016. It is, therefore, evident that appeal received by FAA has been disposed of within prescribed period of 45 days.

5. In response to notice of the Commission Sh. Syed Ahmed, PIO/Assistant Director, CA & PD, Reasi produced copy of information dated: 24.03.2016, addressed to appellant Sh. Mohd. Ayub Ayan through post on 26.03.2016, whereunder he has given response to 3 points of the RTI application. Appellant admitted to have received this information but submitted that the information is incomplete.

Conclusion:

6. In response to point 1, PIO has provided number of families under APL, BPL and AAY categories. However, information seeker has sought details of monthly receipts of ration for each category and quantity issued/despached to each store under these categories. The Commission holds that the information provided is incomplete and, therefore, PIO/ Assistant Director, CA & PD, Reasi is directed to provide above information for the month of October, 2015 i.e. month in which application has been filed.

7. In response to point 2, PIO has submitted that as per records no such information is available regarding kilometers from Food Stores to Ration Depots and also there is no head load in Reasi district and vehicles rate pertains to SRTC Department.

8. In response to point 3, appellant has sought name of store keepers/salesmen posted at various stores/in office of TSO. PIO has not given any response. Therefore, he is directed to provide information as per records.

9. In respect of point 4, he has sought information regarding engagement of two daily wagers and their salary statements. However, salary statement/details cannot be disclosed as it is personal information. Therefore,

information/order regarding engagement of persons named in the application be provided.

10. At point 5, appellant has sought duly attested dealership order copy of Mohd. Ayan. The PIO shall provide the information after ascertaining that the appellant Mohd. Ayub Ayan is same person i.e. Mohd. Ayub, in respect of whom the information has been sought.

11. The Commission has noted that RTI application has been sent on 15.10.2015 through Indian Post. Thereafter, First Appeal has been disposed by FAA vide letter dated: 09.01.2016, asking PIO to provide information as per records. However, PIO/ Assistant Director, CA & PD, Reasi has given response to the RTI application on 24.03.2016 i.e. after expiry of prescribed period as provided under the Act.

12. In view of the above, PIO/Assistant Director, CA & PD, Reasi is directed to explain as to why penalty proceedings under section 17 shall not be initiated against him for delay in responding to the RTI application. His explanation, if any, alongwith compliance report should reach the Commission with 03 weeks from the date of receipt of this order.

13. The Commission is of the view that information as sought at point 1 regarding details of receipt & dispatch of ration under various categories is information of larger public interest. Accordingly, Director, CA & PD, Jammu shall make arrangements to display this information at District, Tehsil & sale centre levels within reasonable time and file a compliance report.

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

Sd/-

(Er. Nazir Ahmed)

State Information Commissioner

Date: .04.2016

No: SIC/J/A/247 (I)/2016

Copy to:

1. FAA/Sh. G.S. Chib, KAS, Director, CA & PD, Jammu.
2. PIO/Sh. Syed Ahmed, Assistant Director, CA & PD, Reasi for compliance.
3. Appellant/Sh. Mohd. Ayub Ayan, S/o. Sh. Abdul Ahad, R/o. Mahore (Reasi).

(Renu Mahajan)

Joint Registrar

J&K State Information Commission

