



Jammu and Kashmir State Information Commission
(Constituted under Right to Information Act 2009)
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File No: SIC/J/A/261/2016
Decision SIC/J/A/261/2016/281

Sh. B.R.Nandan.

... (Appellant)

V/s

FAA/PIO: Urban Local Bodies, Jammu.

...(Respondents)

Date of Institution : 09.02.2016.
Date of Decision : 06.04.2016
Decision : Appeal disposed of.

Mr. Soujanya Sharma, Director, Urban Local Bodies, Jammu, Mr. Santosh Kotwal, CEO, M.C., Kathua and appellant Sh. B.R. Nandan attended the Commission.

Brief facts:

Appellant filed second appeal under RTI Act, 2009 on 09.02.2016 against PIO, Chief Executive Officer, Municipal Council, Kathua, stating that he submitted application through registered post on 26.10.2015, but no response was received. That he filed first appeal on 30.11.2015 through registered post. That FAA after hearing the case on 21.12.2015, passed order directing PIO/CEO,M.C.,Kathua to supply information to the applicant within 15 days.

However, PIO did not supply information within the time set by FAA which caused to file second appeal.

Accordingly, appellant submitted that there is sufficient cause to file second appeal and has prayed to issue directions to PIO to furnish information.

The RTI application enclosed with appeal is addressed to CEO, M.C., Kathua, wherein appellant has sought copy of C.V.Nos., M. Books, technical sanction & approved plan of the lane from competent authority for the work done in 2007 regarding C.V.No.20 of October 2007, copy of NIT of said work, copy of registration No.(Card) with date of last renewal, copy of sanction/approval from competent authority, in case the NIT was waived off and the reasons for not constructing lane/drain.

This application has been sent through Indian Post on 27.10.2015. First appeal filed by the appellant on 30.11.2015, has been decided by Sh. Soujanya Sharma, FAA/Director, Urban Local Bodies, Jammu vide order dated: 21.12.2015 with directions to CEO, M.C., Kathua to provide requisite information to the applicant as per records within a period of 15 days from the date of receipt of this order, under an intimation to his office. Copy of this order endorsed to appellant also.

Proceedings:

During proceedings in the Commission, the appellant admitted to have received the information from CEO, M.C., Kathua vide letter dated:22.01.2016. He, however, submitted that information provided is incomplete in respect of Point No.1 (a) (ii) C.V.No.22, 1(b) copies of relevant M.B. and Point No. 2 (a),(b),(c),(d) and (e). The appellant has listed the information provided and information not supplied in tabular order.

Conclusion:

Upon perusal of information provided by PIO vide letter dated: 22.01.2016 and details of information sought, it is evident that full information has not been provided to the appellant. It is however, noted that in Point: 2

(e) appellant has sought reasons for showing width of lane. Seeking reasons/justifications are not covered under the definition of "Information".

In view of the above, the PIO, CEO, M.C., Kathua is directed to provide remaining information to the appellant, except information at Point: 2(e). This should be complied within two weeks.

As per records, RTI application addressed to CEO, M.C., Kathua dated: 26.10.2015 has been sent through Indian Post on 27.10.2015. PIO/CEO, M.C., Kathua could not produce any documentary evidence before the Commission that he has given response to the RTI application within the period prescribed under the Act. It is only after the order of FAA dated: 21.12.2015, that PIO has provided some information vide letter dated: 22.01.2016.

In view of above, Mr. Santosh Kotwal, CEO, M.C., Kathua is directed to explain as to why penalty proceedings shall not be initiated upon him for delay in responding to RTI application referred to hereinabove. His explanation alongwith compliance report to the directions of the Commission should reach within three weeks.

The Commission has also noted with dismay that CEO, M.C., Kathua has filed reply to second appeal giving reference to decision of the Commission dated: 31.08.2016 and information submitted vide letter dated: 09.09.2015, whereas RTI application has been filed on 26.10.2015. Therefore, this reply is irrelevant and shows lack of seriousness on the part of CEO, M.C., Kathua. He is directed to be careful in future and file reply relevant to the application on the basis of which appeal is filed.

The appeal is disposed of with above directions.

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

Copy to the:

1. FAA-cum-Director, Urban Local Bodies, Jammu.
2. PIO-cum-CEO, Municipal Council, Kathua.

3. Appellant: Sh.B.R.Nandan,S/O Sh.Kesar Ram, R/O Ward No.1,College Road near Union Bank of India,Kathua.

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