



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

File No. SIC/J/A/240/2016
Decision No. SIC/J/A/240/2016/283

Complainant : Mr. Zia ul Haq
Respondent : FAA/PIO, BGSBU, Rajouri.
Date of Institution : 22.12.2015
Date of Decision : 07.04.2016
State Information Commissioner: **Er. Nazir Ahmad**
Decision : Appeal disposed of.

1. Mr. Mohammad Qasim, Deputy Registrar, BGSBU, Rajouri caused his appearance before the Commission. Appellant did not attend.

FACTS:

2. Appellant filed 2nd appeal before the Commission against decision/order of FAA, BGSBU, Rajouri dated: 18-09-2015 and letter dated: 21-09-2015, issued by the PIO, BGSBU, Rajouri for not providing complete information as requested. Appellant has given brief facts leading to the appeal, stating that in response to his request for information under J&K State RTI Act, 2009, PIO issued a letter dated: 29-05-2015 for fee payment, which the appellant reportedly paid. That he received incomplete information from PIO vide order dated: 03-07-2015. That on 30-07-2015, he preferred first appeal before Registrar / FAA, BGSBU, Rajouri, which was decided by the FAA vide his order dated: 18-09-2015. Thereafter, he received a letter from the PIO on 21-09-2015, wherein again complete information was not provided.

3. In view of the above, appellant has prayed that complete information is provided to him and if PIO cannot provide the complete requested information, then he should provide an affidavit that complete information/documents requested by appellant are not available and has requested to take appropriate action against the PIO.

PROCEEDINGS:

4. In compliance to the notice of the Commission dated: 29-01-2016, Registrar / FAA, BGSBU, Rajouri has filed counter statement in the said case, giving para wise reply to the appeal along with 16 annexures with copy to the appellant. During proceedings in the Commission on 16-02-2016, Shri Ajay Salgotra, Advocate appear on behalf of the appellant. It was noted that appellant has not substantiated as to in which respect, complete information has not been provided as alleged in his 2nd appeal. Commission further observed that copy of the counter statement dated: 13-02-2016 has been marked to the appellant. PIO submitted that due to paucity of time, copy cannot be sent to appellant. Accordingly, PIO was directed to handover copy of the counter statement to the counsel for appellant after hearing. Accordingly, Commission vide notice dated: 04-03-2015 conveyed following direction;

" Appellant shall file objections to the counter statement of PIO within one week and shall also substantiate as to in which respect complete information has not been provided to him by PIO.

The respondent PIO shall file written arguments to the objections of appellant alongwith any other documents with copy to appellant within one week thereafter."

5. During hearing in the Commission on 17-03-2016, PIO Mr. Mohammad Qasim appeared before the Commission. However, neither appellant nor his representative caused appearance. Accordingly the directions of the Commission passed on 17-03-2016 were conveyed to the appellant, Shri Zia ul Haq on his address given in his RTI application by the Commission vide notice dated: 22-03-2016, asking him to file objections and informing him to cause appearance on 07-04-2016 at 10:30 A.M.

6. The case was listed for hearing today on 07-04-2016. PIO appear before the Commission, however, appellant neither appear before the Commission nor filed objections, inspite of being given sufficient time. In this connection, FAA has filed reply dated: 05-04-2016, stating therein that the University has represented under reference matter before Hon'ble Commission on each date fixed for its hearing in which it was apprised that all available information were supplied to the applicant. The University

has also submitted counter statement twice in accordance with instructions passed by the Hon'ble Commission, but till date appellant has failed to provide copy of counter argument in support of his claim. Hence, it seems that the appellant is intentionally hell-bent to malign the image of the University for the reasons best known to him. He has further submitted that in view of the facts and circumstances explained above, it is reiterated that University has neither suppressed any information nor denied and accordingly available information was supplied to the applicant.

Decision:-

7. The appellant has not been able to substantiate as to in which respect information is incomplete, inspite of being given sufficient time. Further, on perusal of the information given by the PIO viz-a-viz information sought by the appellant, information as available on record have been provided to the appellant. Since appellant has failed to substantiate his allegation, the 2nd appeal filed before the Commission is devoid of merit and hence disposed of.

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

No. SIC/J/A/240/2014

Dated: -04-2016

Copy to the:-

1. Registrar / First Appellate Authority, BGSBU, Rajouri.
2. Public Information Officer, BGSBU, Rajouri.
3. Pvt. Secretary to HSIC.
4. Mr. Zia-ul-Haq C/o Deptt. Of Management Studies Centre, University of Kashmir, Nowgam Campus, Kanipur Road, Srinagar (Appellant).
5. Guard file.

(G.Q. Bhat)
Registrar,
J&K State Information Commission