



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

File No. SIC/CO/SA/353/2016
Decision No. SIC/CO/SA/353/2016/895

Complainant : Mr. Vijay Kumar Dogra
Respondent : PIO, Custodian, Jammu / Tehsildar, Bishnah.
Date of Institution : 23.02.2016
Date of Decision : 04.04.2016
State Information Commissioner: **Er. Nazir Ahmad**
Decision : Appeal disposed of.

1. Mr. B.A.Mir, PIO, O/o Custodian General, J&K, Mr. Mushtaq Ahmad, PIO, O/o Custodian, Jammu, Mr. Mohammad Majeed, Tehsildar, Bishnah and the counsel for appellant Mr. H.S.Slathia attended the Commission.

FACTS:

2. The appellant approached this Commission with a composite petition under Section 15(1)(e) r.w. Section 16 (4) of the Act, interalia stating that he moved an RTI application before respondent no. 1, i.e., PIO, Custodian Evacuee Property on 29-06-2015, seeking certain information pertaining to records maintained by the Evacuee department. That the application was forwarded to respondent no. 3, i.e., Tehsildar Bishnah by respondent no. 1. That respondent no. 3 failed to provide information within statutory period. That first appeal was preferred before respondent no. 2, i.e., FAA, O/o Custodian General, Evacuee Property. That first appeal was not adjudicated by the FAA within statutory period of time. That eventually, in the month of September, respondent no. 3, i.e., Assistant Custodian, Tehsildar Bishnah furnished incomplete information to the petitioner. That meanwhile FAA disposed of the appeal with directions to the respondent no. 1, PIO, O/o Custodian Evacuee Property, Jammu

within a week. That inspite of assurance given by respondent no. 1, incomplete information was provided. In view of the submissions made in the appeal, the petitioner implores that the disciplinary proceedings and penalty may be imposed against the respondents and they may be directed to provide the information sought and also compensate the petitioner for not furnishing information within time.

PROCEEDINGS:

3. The appeal was listed for hearing on 08-03-2016, wherein, respondents and the counsel for appellant Mr. H.S.Slathia were heard. During proceedings, appellant submitted that incomplete information was provided to him by respondent no. 3, Tehsildar, Bishnah and in a slipshod manner. The Commission observed that appellant has not substantiated incomplete information and accordingly appeal was adjourned with following directions;

- a) Appellant to substantiate "incomplete information" with a copy to the respondent, Custodian Jammu within one week. The Custodian Jammu (PIO) shall file his counter/response within two weeks thereafter.
- b) Registry to issue notice to the Assistant Custodian, Tehsildar, Bishnah to appear on next hearing with counter/response and also response to the issues raised by the appellant with regard to alleged incomplete information.

4. In compliance to the above referred directions of the Commission, counsel for the appellant, Mr. H.S.Slathia has substantiated the averments with regard to incomplete information provided to the appellant. The respondents, PIO, O/o Custodian Jammu and Tehsildar Bishnah admitted to have received copy of this document.

CONCLUSION / DECISION:

5. During proceedings in the Commission today, the counsel for the appellant submitted that specific information with regard to point 1,2 & 3 have not been provided. PIO, O/o Custodian Evacuee, Jammu submitted that in response to point, 1, Evacuee Property Act is available on record, which can be provided to the appellant. However, counsel for the appellant submitted that he had sought a law/act known as "Jadeed Guidelines Act". Therefore, PIO, O/o Custodian Evacuee, Jammu is directed to

respond to this specific query of the RTI application as per records. In respect of point 2, the appellant has only asked for a copy of the order, reference of which has been given in the RTI application. This information is supposedly held by Tehsildar, Bishnah, therefore, Tehsildar, Bishnah is directed to provide response to this point as per records. With regard to point 3, Tehsildar Bishnah submitted that he has provided latest copy of RoR for the year 2006-07 on the basis latest settlement to the appellant. However, counsel for the appellant drew attention of the Commission to the contents of the information asked at this point and submitted that he has sought information regarding allotment of evacuee property made in favour of persons in the khasra numbers given in the RTI application. Since response to this limb / part of query has not been provided in the given information, Tehsildar, Bishnah is directed to give specifically response to this query, as per records.

6. These directions be complied within 02 weeks of the receipt of this order.

7. In response to the notice of the Commission dated: 01-03-2016, Mr. B.A.Mir, PIO, O/o Custodian General, J&K has filed counter statement to the 2nd appeal, interalia stating that the process adopted by FAA was proper remedy as prescribed in the Rules of RTI Act, 2009. That it was apparent from the proceedings taken by the FAA that there was no deliberate delay in disposal of the first appeal, which shall lead to this quarter any fine/penalty from the competent authority. More so, any of the information sought by the information seeker is not pending with office of the Custodian, Jammu.

8. PIO, O/o Custodian, Jammu has not filed counter statement to the appeal, wherein appellant alleged that incomplete information has been provided to him and that too after considerable delay.

9. In view of the above, Mr. Mushtaq Ahmad, PIO, Custodian, Jammu is directed to explain as to why proceedings under Section 17 of the J&K State RTI Act, 2009 shall not be initiated against him for delay in disposing the RTI application. His explanation if any should reach the Commission within 10 days of the receipt of this order.

10. With above directions, 2nd appeal filed before the Commission is disposed of.

Sd/-

(Er. Nazir Ahmad)

State Information Commissioner

No. SIC/CO/SA/353/2016

Dated: -04-2016

Copy to the:-

1. First Appellate Authority, O/o Custodian General, Evacuee Property, J&K, Jammu.
2. Public Information Officer, O/o Custodian Evacuee Property, Jammu.
3. Tehsildar, Bishnah.
4. Mr. Vijay Kumar Sharma C/o Bar Room No. 2, Table No. 2, District Court Complex, Jammu (Appellant).
5. Guard file.

(G.Q. Bhat)

Registrar,

J&K State Information Commission