



J&K State Information Commission
Old Assembly Complex, Srinagar . 0194-2506661-62
Wazarat Road, Near DC office , Jammu. 0191-2520937.
www.jksic.nic.in

File No. SIC/CO/SA/358/2016
Decision No. SIC/ CO/SA/358/2016/897

Firdous Ahmad Bhat (Appellant)

V/s

PIO Service Selection Board (Respondent)

Date of Institution: 23.02.2016

Date of Decision 25.04.2016

Decision: Appeal disposed of.

1. Shri Javeed Ahmad, Sr. Law Officer-cum-PIO SSB attended the Commission. Appellant did not attend.

2. Brief facts of the case are that the Commission received second appeal under J&K RTI Act, 2009 in respect of RTI application dated: 31.7.2015 filed by the appellant. Upon perusal of the appeal, it was noticed that the appellant had not furnished attested documents and he was accordingly asked vide letter dated: 20.1.2016 to make up the deficiencies. In compliance to the above communication from the Commission, the appellant has submitted documents

under letter dated: 18.02.2016 fulfilling the deficiencies and accordingly appeal was admitted on 23.2.2016. The appellant has submitted that

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he sought information from the SSB vide RTI application dated: 31.7.2015. As no reply was furnished by the said authority, he filed first appeal on 3.9.2015. That the appellant received reply from the PIO on 3.12.2015, wherein only one part of information was provided and the rest denied without any reason or justification in violation of RTI Act. Therefore, the appellant has prayed that concerned authorities be directed to furnish whole information and appropriate action warranted under law be initiated against the erring officer of the concerned department.

3. In response to the notice of the Commission dated: 31.3.2016, Shri Javeed Ahmad, SLO/PIO SSB Jammu has filed reply dated: 15.3.2016 inter-alia submitted that information has already been provided to the information seeker vide communication dated: 3.12.2015 (copy enclosed). He further submitted that information could not be provided in time as the matter was before the Crime Branch and whole record was within custody of Crime Branch. Hence, there was not willful delay on the part of the PIO.

4. In the second appeal, the appellant has admitted of having received information vide communication dated: 3.12.2015 but submitted that only part of information was provided and the rest was denied. In the RTI application, the appellant has sought information on 5 points, in response to which the PIO has provided a copy of letter dated: 24.10.2013 from Crime Branch to Chairman SSB in reference to communication of Secretary SSB dated: 7.9.2012 regarding "verification of certificates". The PIO has merely enclosed this document and he

has not stated as to which query of the RTI application, this information pertains. Nor he has given response to other points of the RTI application.

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5. As per provisions of section 7(1) of the RTI Act, “the PIO ----- either provide the information on payment of such fees as may be prescribed or reject the request for any of the reasons specified under section 8 or 9”. In the instant case, the PIO has not responded to the queries of the RTI application in terms of provisions of the Act stated hereinabove. Therefore, the plea of the appellant that part of information has been denied without any reason is upheld. Accordingly, PIO SSB is directed to furnish point wise response to the queries of RTI application as per provisions of the RTI Act referred to hereinabove and also indicate as to which point of RTI application the information already provided pertains. These directions should be complied within 2 weeks under an intimation to the Commission. PIO is also directed to explain and substantiate the delay with documentary evidence as the explanation filed by him dated: 15.3.2016 is not supported with documentary evidence.

Accordingly appeal is disposed of with above directions.

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

Copy to:-

1. PIO, Service Selection Board, Jammu
2. Shri Firdous Ahmad Bhat, Advocate, J&K High Court, R/o Gund Chekpora, Chadoora, Budgam
3. Guard file.

(G.Q. Bhat)
Registrar
State information Commission