



**Jammu and Kashmir State Information Commission**  
(Constituted under Right to Information Act 2009)  
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File No: SIC/J/A/260/2016  
Decision SIC/J/A/260/2016/293

**Mr. Bilal Ahmed**

**V/s**

**FAA/ACD, Rajouri & PIO/BDO, Budhal.**

**.... (Appellant)**

**.... (Respondents)**

Date of Institution : 25.02.2016  
Date of Decision : 26.04.2016  
Decision : Appeal disposed of.

1. Sh. Noor Alam, ACD, Rajouri-cum-FAA, and Sh. Shafiq Ahmed Mir, BDO, Budhal-cum-PIO attended the Commission. Appellant didn't appear.

2. **Brief facts:** Appellant filed 2<sup>nd</sup> appeal on 25.02.2016, under RTI Act, 2009, interalia, submitting that he filed RTI application under rule 4(1) with the PIO/BDO, Budhal on 31.12.2015, seeking information on 10 queries. That after a delay of more than 30 days he has not got any reply from PIO and, therefore, filed First Appeal before ACD, Rajouri on 04.01.2016, in reference to his RTI application. That after the stipulated period of 45 days, he got an intimation from FAA with directions to PIO to issue information within 02 days, with penalty of Rs. 250/- per day after the stipulated period. Thereafter, he approached the concerned office several times who advised him to file 2<sup>nd</sup> appeal to the concerned authority. Accordingly, 2<sup>nd</sup> appeal is filed seeking justice as well as disposal of his RTI application.

3. In response to notice of the Commission dated: 10.03.2016, BDO, Budhal has filed reply/counter statement interalia, submitting that in response to the RTI application filed by the appellant in his office on 31.12.2015,

appellant was intimated vide letter dated: 04.01.2015 (should be 04.01.2016 as per letter) to deposit an amount of Rs. 15,160/- as photostat and photograph charges so that the information is provided to applicant (copy enclosed). That this intimation letter was posted at the residential address of the applicant on 06.01.2015, vide RE No. 838384205 (receipt of post office enclosed). BDO has submitted that applicant didn't respond to his office till date. That ACD, Rajouri vide letter dated: 06.02.2016, directed him to provide the information to applicant and in compliance to his directions, he again intimated applicant vide letter dated: 07.02.2016, to collect the information. BDO, Budhal has concluded that inspite of the reminder, the applicant has neither deposited the required amount of photostat and photograph charges, nor turned up to collect the information asked vide RTI application.

4. At the outset, the Commission has noted that FAA has not disposed of the Appeal as per provisions of section 16 of the Act, under which he is required to pass an order after hearing both the parties i.e. PIO and appellant. In the instant case, he has simply directed the PIO to provide information without seeking reply from the BDO regarding factual position of the case, which in the instant case is contradictory to the view taken by FAA.

5. As per documentary evidence brought before the Commission, the RTI application filed by appellant dated: 31.12.2015, has been responded to by PIO on 06.01.2015, through registered post asking him to deposit an amount of Rs. 15,160/- on account of photostat and photograph charges. This communication has been sent through prescribed mode of service on the address of appellant and within a period of 30 days from the date of receipt of RTI application as per requirement of section 7 of the Act. Evidently, response of PIO dated: 04.01.2016, intimating appellant to deposit the copying charges through prescribed mode of service on 06.01.2016, is in accordance with the provisions of section 7(3)(a) of the Act.

6. The Commission further directs FAA to ensure that appeals filed before him are decided as per provisions of section 16 of the Act, after affording an opportunity of being heard to both the parties.

7. In view of facts stated hereinabove, the appeal filed before the Commission is devoid of merit and is disposed of.

**Sd/-**

**(Er. Nazir Ahmed)**

**State Information Commissioner**

Date: .04.2016

No: SIC/J/A/260/2016

Copy to:

1. FAA/Sh. Noor Alam, ACD, Rajouri for compliance.
2. PIO/Sh. Shafiq Ahmed Mir, BDO, Budhal for compliance.
3. Appellant/Mr. Bilal Ahmed, S/o. Sh. Mohd. Rafiq, R/o. Village: Samote, Tehsil: Kotranka, District: Rajouri.

**(Renu Mahajan)**

Joint Registrar

J&K State Information Commission