



Jammu and Kashmir State Information Commission
(Constituted under Right to Information Act 2009)
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File No: SIC/J/A/ 263-A/2016
Decision SIC/J/A/263-A/2016/296

Sh. Jeep Lal .

... (Appellant)

V/s

FAA/PIO: SE, MPGSY,Circle, Batote, Kishtwar. ...(Respondents)

Date of Institution : 20.02.2016.
Date of Decision : 26.04.2016
Decision : Appeal disposed of.

Mr. R.K.Makroo, Superintending Engineer-cum-FAA,PMGSY, Circle Batote, Mr. Mohd Ashraf Gilkar, Executive Engineer-cum-PIO,PMGSY, Division, Kishtwar and appellant: Sh.Jeep Lal attended the Commission.

Brief facts:

Appellant filed second appeal under Section 16 of J&K RTI Act, 2009 on 23.02.2016 against Chief Engineer,PMGSY,Jammu, Superintending Engineer, PMGSY Circle, Batote and Executive Engineer, PMGSY Division, Kishtwar, submitting that he filed RTI application before PIO as enclosed as Annexure-“A”. That PIO did not provide information within time limit, appellant moved appeal before SE, PMGSY Circle Batote, who returned the appeal with direction to approach Chief Engineer, PMGSY (JKRRDA),Jammu. Accordingly, appellant moved his appeal before Chief Engineer on 02.01.2016 and the Chief Engineer directed Executive Engineer, PMGSY, Div. Kishtwar with further endorsement

to Superintending Engineer, and appellant for adhering to Section 7 of the RTI Act, 2009 for charging no fee from the information seeker. But despite the directions of Chief Engineer, PIO never turned up to call the appellant to collect information even after the lapse of three weeks.

In view of above, appellant has prayed to allow present appeal and direct concerned authorities to provide requisite information free of cost.

In response to the notice of the Commission, PIO/Executive Engineer, PMGSY Division, Kishtwar has filed reply dated: 07.04.2016(received on 11.04.2016) inter-alia submitting that applicant Sh. Jeep Lal, S/O Sh.Jodh Ram, R/O Bandera filed RTI application on 26.06.2015, seeking information regarding Kandni to Ohli Road. That allegations made by the appellant that PIO failed to provide information within time limit, is vehemently denied in view of the fact that after assessing the volume of information, information seeker was intimated vide letter dated: 11.07.2015 to deposit Rs.10,000/- in the first instance subject to actual. In response to this letter, information seeker approached PIO vide letter dated: 27.07.2015, requesting him to provide details of printing charges, in response to which detail of printing charges was furnished vide letter dated: 06.08.2015. But information seeker instead of depositing printing fee, preferred appeal before First Appellate Authority/SE, PMGSY Circle, Batote on the ground that PIO has failed to provide information within prescribed limit of time. That the same information seeker instead of preferring second appeal, filed another representation dated:12.10.2012(should be 12.10.2015) to the same PIO/Executive Engineer, PMGSY Div.Kishtwar, seeking same set of information on the ground that the information seeker belongs to BPL category. Accordingly, he was intimated that since information sought is under appeal, information cannot be supplied till the disposal of appeal by FAA. Copy of this reply is also endorsed to appellant.

Upon perusal of record referred hereinabove, the RTI application filed by appellant dated: 12.10.2015, seeking information on the basis of BPL card, has been responded to by PIO vide letter dated: 13.10.2015, informing him that same set of information has been sought vide letter dated:26.06.2015, and therefore, information as sought by appellant vide fresh application cannot be provided, as the appeal was dismissed by FAA. Appellant has accordingly been advised to file appeal with 2nd Appellate Authority i.e. CE,PMGSY, Jammu.

On the basis of this advise, appellant filed second appeal before CE, PMGSY, Jammu, who has no jurisdiction to entertain the second appeal, as the authority to decide second appeal vests with the State Information Commission.

The present appeal has been filed on the ground that appellant being a BPL Card holder, is entitled to information free of cost. The Commission upholds his plea that appellant is entitled to such information free of cost, as can be provided without disproportionately diverting resources of public authority. Executive Engineer in his letter dated: 06.08.2015, has given detail of information wherein item No.1, 2 and 3 pertains to drawings of the road. PIO submitted that these drawings comprising of 154 sheets/pages are large in size.

In view of the above, Commission directs PIO to provide information at Sl.No.4,5 and 6 of his letter dated: 06.08.2015, to the information seeker, free of cost, within two weeks. However, as regards drawings at item No.1, 2 and 3, appellant may examine these drawings in the office of Executive Engineer on any working day convenient to both the parties.

With these directions, appeal filed before the Commission is disposed of.

Sd/-

(Er. Nazir Ahmed)

State Information Commissioner

Copy to the:

1. Mr. R.K.Makroo, Superintending Engineer-cum-FAA,PMGSY, Circle Batote,

Mr.Mohd Ashraf Gilkar, Executive Engineer-cum-PIO, PMGSY, Division, Kishtwar.

2. Appellant: Sh.Jeep Lal, S/O Sh.Jodh Ram, R/O Bhandera,Kuntwara, Tehsil Drabshalla, District Kishtwar..

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