



Jammu and Kashmir State Information Commission

شنیشن کمیٹی انفارمیری اسٹینڈ کشمیر جموں ا

(Constituted under The Right to Information Act, 2009)

Wazarat Road, near DC Office Jammu, 0191-2520947, 2520937

Old Assembly Complex, Srinagar, 0194-2506660, 2506661

www.jksic.nic.in

File No. SIC/K/SA/19/2016

Decision No. . SIC/K/SA/19/2016/03

Appellant : Sh Parvaiz Ahmad Misgar S/ o Gh. Rasool
Misgar R/o Firdous Colony Eid-Gah Sgr

Respondent : Tehsildar Eidgah

Date of Registration : 18.02.2016

Date of Decision : 11.04.2016

Brief facts:- Appellant filed Second Appeal on 18.02.2016 submitting that he applied before Assistant Commissioner Revenue for obtaining certain information on 23.11.2015. That ACR vide letter dated 30.11.2015 forwarded his application to Tehsildar Eidgah (PIO) for providing information as per Section 6(3) of the Act within stipulated time. Since the PIO did not provide the information, he filed First Appeal in the Office of Deputy Commissioner Srinagar on 02.01.2016. That DC's Office forwarded the Appeal to SDM (East) Srinagar vide letter dated 13.01.2016 asking him to dispose of the same in terms of mandate of Section 16 of J&K RTI Act, 2009 in the capacity of FAA. But, no action was taken by the respondents for providing

the requisite information. In view of the above, he has filed Second Appeal requesting to provide information as per his RTI application.

As per the RTI application enclosed with the appeal, information has been sought regarding Revenue extracts of Khasra No. 127, 128 and 129 of Moza Khuchay Check w.e.f 2001 to 2015 and demolition order of Hon'ble High Court/ Financial Commissioner/Divisional Commissioner Srinagar dated 14.11.2015. Further, the averments made by the appellant with regard to transfer of RTI application to Tehsildar Eidgah is factual based on records.

In response to the notice of the Commission, Tehsildar Eidgah has filed reply dated 01.04.2016 interalia submitting that she has already issued reply to the First Appeal vide letter dated 26.02.2016 asking the appellant to submit the requisite fee as per norms.

Further, Tehsildar Eidgah Srinagar has filed reply dated 09.04.2015 enclosing letter dated 6.04.2016, where under appellant has been asked to deposit an amount of Rs 100/- for revenue extracts. Tehsildar produced copy of Revenue Extracts i.e. of Moza Kuchay Check in respect of Khasra No. 127, 128 and 129. The appellant submitted that he has asked for Revenue Extracts from 2001 to 2015 in respect of above mentioned Khasra Numbers. Tehsildar Eidgah submitted that the name of original owners are entered in the Revenue Extracts and details transfer thereafter by way of sale etc. have been recorded in chronological order on the back page of Revenue Extract. Tehsildar submitted that the name of appellant Mr. Parvaiz Ahmad Misger and Tariq Ahmad Misger are recorded in shown as purchased from Mohammad Shafi etc. Tehsildar submitted these revenue extracts pertains to the period 2001 to 2015. However, to satisfy the appellant Tehsildar shall inform the appellant whether these revenue extracts are applicable for and

also copy of extracts the period in which information has been asked for and also copy of extracts after the appellant deposits prescribed fee. As regards, part of the information i.e., demolition orders of Hon'ble High Court/Financial Commissioner/Divisional Commissioner Kashmir dated 14.11.2015, Tehsildar is directed to provide information as per records. The Commission has observed that FAA/ SDM (East) Srinagar has not passed an order on the First Appeal transferred to him on 13.01.2016. Therefore, SDM (East) Srinagar has violated the provisions of Section 16 of the J&K RTI Act 2009.

In view of the above, SDM (East)/FAA is directed to explain as to why action as per provisions of the Act/Civil Services Conduct Rules shall not be recommended against him for his failure to decide the appeal filed before him. His explanation should reach the Commission within two weeks.

Tehsildar submitted that RTI application filed on 23.11.2015 has been responded to by her within stipulated time period. However, no documentary evidence has been brought on record. In view of the above, Tehsildar Eidgah Srinagar is directed to file explanation supported with documentary evidence to the Commission within two weeks.

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

(Nazir Ahmed)
State Information Commissioner

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the:-

1. Secr SDM (East) Srinagar
2. Tehsildar Eidgah Srinagar
3. Pvt. Secy to HSIC (K)
4. Sh Parvaiz Ahmad Misgar S/ o Gh. Rasool Misgar R/o Firdous Colony Eid-Gah Srinagar

(M S Bhat)
Dy. Registrar,
State Information Commission
J&K Srinagar