



**Jammu and Kashmir State Information Commission**

شنیشن کمیٹی انفارمیشن اسٹیٹسٹونڈ 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**

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File No. SIC/K/SA/04/2016

Decision No. . SIC/K/SA/04/2016/04

Appellant : Prof. Ab. Gani Bhat S/ o Lt. M. Ramzan  
Bhat R/o H No.8 Pamposh Lane, Natipora  
Srinagar

Respondent : Xen Water Works Division Srinagar

Date of Registration : 06.01.2016

Date of Decision : 12.04.2016

**Brief facts:-** The appellant filed Second Appeal on 30.12.2015 against PIO Water Works Division Srinagar alleging “denial of information”. It is submitted that he filed an application under RTI Act 2009 to the respondent on 24.07.2015 for providing certain information and examination. However, respondent failed to provide information. That on 11.09.2015 he filed appeal with the FAA, but FAA failed to dispose of the appeal till date. Accordingly, Second Appeal has been filed for getting the requisite information and also provide examination of records. Some deficiencies were observed in the appeal, which were completed by the appellant on 06.01.2016.

As per RTI application enclosed with the appeal, appellant has sought attested copies of his applications addressed to Xen Water Works Division Srinagar dated 12.12.2016 and 22.05.2016, office notes and orders passed there on regarding repair of lane in his Mohalla dug out in January 2012 . The appellant has also requested to allow examination of full case file.

In response to the Second Appeal, Er. Latif Ahmad Malik. Distt. Superintending Engineer, Hydraulic Circle Srinagar/Ganderbal has filed reply dated 18.01.2016 interalia submitting that information has already been provided to the appellant by Xen Water Works Division (PIO) vide letter dated 22.8.15 and 15.09.2015, copies of which are enclosed. Copy of this reply has been marked to the appellant as well.

During proceedings in the Commission on 29.03.2016, the appellant did not appear. Accordingly, the case was adjourned with following directions:-

*“PIO/Xen Water Works Division Srinagar to file counter statement/reply to appeal with copy to the appellant within one week through prescribed mode of service. FAA has marked copy of reply to the appellant. He will ensure that it has been sent to the appellant through prescribed mode of services”.*

In compliance to above directions, District Superintending Engineer, Srinagar/FAA has submitted vide letter dated 02.04.2016 that in compliance to the directions of the Commission, Information seeker was provided information through his e-mail (copy of receipt enclosed). However, additional copy of information has also been sent to the information seeker

through registered post (copy enclosed). Earlier during proceedings in the Commission on 09.2.2015, PIO/Xen was directed to produce evidence with regard to damage of records in the deluge of September 2014.

In compliance to these directions, Shir Aijaz Ahmad Qureshi, PIO/Xen Water Works Division Srinagar has filed affidavit stating that the information which the appellant is seeking in the above titled matter has been lost in the floods of September, 2014 and in this connection, FIR has been registered by the Department in Police Station Kothibah Srinagar. The Xen has enclosed the copy of FIR as documentary evidence.

Heard parties today and perused records.

The RTI application filed by the appellant on 24.7.2015 has been responded to by PIO/Xen Water Works Division Srinagar vide letter dated 22.08.2015 informing appellant that entire records of the division got damaged during the devastating floods of September 2014. Accordingly, PIO has requested the appellant to provide Xerox copies of both applications dated 12.12.2006 & dated 22.05.2014 enabling him to take further necessary action at his end.

The appellant, Professor Ab. Gani admitted to have received this information dated 22.8.2015 and submitted that in reference to the reply of the PIO/Xen, he submitted copies of applications referred to in the RTI application to PIO Water Works Division Srinagar vide Receipt No.2867 dated 11.09.2015. Since the appellant has provided the documents as asked for by the Xen, the Xen was expected to give a response to the information sought by the appellant, which it appears has not been done till date. In view of the above, Xen Water Works Division Srinagar is directed to intimate

information regarding action taken on the applications of the appellant within three weeks.

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

**Sd/-**  
**(Nazir Ahmed)**  
**State Information Commissioner**

**Copy to the:-**

1. Superintending Engineer, Hydraulic Circle Srinagar/Ganderbal, Hqrs Srinagar
2. Xen Public Works Division Srinagar
3. Pvt. Secy to HSIC (K)
4. Prof. Ab. Gani Bhat S/ o Lt. M. Ramzan Bhat R/o N No.8 Pamposh Lane, Natipora Srinagar

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