



Jammu and Kashmir State Information Commission

شنیشن کمیٹی انفارمیشن ری اسٹیٹوٹڈ 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/17/2016

Decision No. . SIC/K/SA/17/2016/13

Appellant : Sh. Muzafar Gul Wagay R/o Bijbehara
Respondent : PIO/FAA/PIO DSEK
Date of Registration : 09.02.2016
Date of Decision : 02.05.2016

Brief facts of the case are that on appellant filed Second appeal under J&K RTI Act 2009 on 09.02.2016 against FAA/PIO DSEK, stating that he submitted an application in Directorate of School Education Srinagar on 01.09.2015. That on expiry of 30 days, he submitted an application with FAA/DSEK on 01.10.2015. The appeal has been filed on the ground of non-receipt of information within 30 days from PIO.

He has accordingly requested that enquiry be made against the department for not willingly giving him information and also impose penalty against the officials involved in it.

As per RTI application, appellant has sought information on four points regarding status of his Ph.D file, enquiry regarding delay and information regarding candidates who have been given permission for Ph.D since 2012. Mr. Zahoor Ahmad Banday PIO/Directorate of School Education filed reply to the appeal dated 09.03.2016 submitting that RTI application dated 01.09.2015 was forwarded to SO Teaching vide memo dated 04.09.2015 under Section (5) of J&K RTI Act. (Copy enclosed). That in response to the notice of the Commission dated 17.02.2016, Personal Officer Directorate of School Education provided information vide letter dated 22.2.2016 and the same was forwarded to information seeker vide letter 23.02.2016. Similarly, Mr. Saif Ali Chouhan FAA has filed reply dated 23.02.2016 with copy to the appellant. As per reply of the Personal Officer dated 22.02.2016, records of Mr. Muzafar Gul Wagay teacher has been washed off due to the September 2014 floods as per the records/inventory of the file of Teaching Section (Inventory copy enclosed). He has further advised the said teacher to attend the Directorate to settle his case afresh which will be processed immediately. PIO has enclosed inventory of files that got damaged/washed off due to September 2014 floods, wherein file pertaining to study leave of Muzaffar Gul is listed at S No. 24.

The appellant was informed vide notice dated 24.3.2016 to file objections if any within one week with copy to DSEK. Thereafter, the case was again listed on 14.4.2016. Although the respondents FAA attended the Commission, the appellant again did not attend the Commission nor filed objections.

In compliance to directions of the Commission, conveyed through notice dated 12.04.2016, PIO DSEK produced copy of letter Director School

Education Kashmir addressed to Commr/Secretary to Government, School Education Department on the subject “regarding grant of permission for pursuing Ph.D/M. Phill/PG programme on part time/full time basis”. He also produced a copy of letter dated 28.04.2016 from Personnel Officer DSEK to CEO Anantnag in this regard.

FAA Director DSEK informed the Commission that file of the appellant for pursuing Ph.D course is pending only for want of some documents/certificates from the information seeker/teacher and in this regard Personal Officer DSEK has written to CEO Anantnag vide letter dated 28.04.2016 to inform the teacher to attend his office on 01.04.2016.

From evidence brought before Commission, it is evident that study leave file of information seeker Sh. Muzaffar Gull Wagay has been damaged/washed off due to floods . Accordingly, appeal is disposed of with direction to PIO O/o DSEK to send the copy of reply of Personal Officer dated 28.04.2016 and reply of Point (D) of RTI application to appellant within one week.

As per reply of PIO/DSEK, the RTI application has been forwarded to SO teaching on 04.09.2015 under Section (5) which has been responded by the PIO. In view of the above, Personal Officer O/o DSEK and SO teaching (Deemed PIO's) are directed to explain as to why penalty proceedings under Section 17 of the Act shall not be initiated against them for delay in providing information to the PIO in response to his letter dated 04.09.2015 within two weeks.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the:-

1. FAA/Jt. Director, Directorate of School Education Kashmir
2. PIO Directorate of School Education Kashmir
3. CEO Anantnag
4. Pvt. Secy to HSIC (K)
5. SO Teaching Directorate of School Education Kashmir
6. Sh. Muzafar Gul Wagay R/o Bijbehara

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