



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

www.jksic.nic.in

File No. SIC/K/SA/34/2016

Decision No. SIC/K/SA/34/2016/16

Appellant : Sh. Nasir Hussain Bhat and others
Respondent : FAA/PIO SMC Srinagar
Date of Registration : 22 .03.2016
Date of Decision : 03.05.2016

Brief facts of the case are that the appellants have filed Second Appeal on 22.03.2016 stating information sought vide application filed before PIO SMC on 19.12.2015, has not been provided within stipulated time. Thereafter, First Appeal to FAA SMC on 30.01.2016, has also not been responded to within the stipulated time as envisaged in the RTI Act 2009. The appellant has requested the Commission to direct the concerned officials to provide him the information sought and take appropriate action with penalty against the FAA and PIO for violating the provisions of RTI Act 2009.

In response to notice of Commission, PIO has filed reply/counter statement vide letter dated 09.04.2016 with copy to appellants

submitting therein that requisite information stands already provided to appellants by SE, Drainage Circle SMC (Deemed PIO) vide No.SE/D/SMC/3641-47 dated 13.01.2016 within stipulated time frame. Copy of the same has been endorsed with the reply.

In his letter dated 13.01.2016, SE, Drainage Circle SMC Srinagar has informed the appellants that no promotion order or circular relating to the promotion cases of the employees of Drainage Circle SMC (merged with SMC) has been issued by the worthy Commissioner Srinagar Municipal Corporation/SE during the period w,e,f 01.03.2015 up to December 2015.

The case was heard by the Commission on 12.04.2016 and was adjourned with following interim directions:

- 1. Case adjourned with directions that appellant may file objections to the reply of PIO dated 07.04.2016 within one week.*
- 2. Issue notice to SE, Drainage Circle, SMC to appear before the Commission on next date of hearing along with records and clarifications as per records with regard to orders/circulars issued by him and Commissioner SMC from 1st March, 2015 to December 2015.*

The appellant have filed objections stating that they have not received communication dated 07.04.2016 and other communications from PIO.

Heard parties and perused records.

At point (1) , Appellants have not specified as to which orders they are referring to. Appellant clarified that they want information with regard to

promotion orders of ministerial staff in Drainage Circle SMC issue by SE for the period referred to above.

Again in respect of Point 2 information sought is not specific, as applicants have asked for Xerox copies of circulars. SE requested to specify information required. The appellants submitted that they want circulars related to convening of DPC.

As regards information sought at Point 3, it pertains to orders issued by Commissioner SMC favouring Drainage Circle and subordinate offices regarding Departmental Promotion Committee held for the period January 2015 to December 2015 and therefore this information should have been provided by the PIO SMC. Similarly information sought at Point (4) also relates to PIO SMC Srinagar.

In view of the above, the Commission directs PIO SMC to provide information in respect of Point 3 & 4 and SE Drainage Circle to provide information in respect of Point 1 & 2 on the basis of clarifications given by the appellants referred to herein above.

These orders should be complied with within two weeks, Compliance report be submitted to the Commission.

Appeal disposed of with the above directions.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the:-

1. Secretary SMC Srinagar

2. SE Drainage Circle SMC
3. Pvt. Secy to HSIC (K)
4. Sh. G M Ganai S/o Jaji Mohammad Ismiel Ganai R/o Talangam
Pulwama

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