



Jammu and Kashmir State Information Commission

شٹیٹ کی انفارمیشن ریٹ آف ایکٹ ریگولیشن کمیٹی جمنو

(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/J/A/286/2016

Decision No. SIC/J/A/286/2016/306

Appellant : **Mr. Mohd. Ishaq Batt**

Respondent : **Executive Engineer, PHE Division Doda.**

Date of Registration : **29 .03.2016**

Date of Decision : **04.05.2016**

Brief facts of the case are that Second Appeal has been filed before the Commission on 29.03.2016 stating that appellant filed RTI application before PIO/Executive Engineer PHE Division Doda on 15.12.2015, but said PIO returned his RTI application in original raising objections, which were not genuine. That after filing of First Appeal before FAA/SE Hydraulic Circle Doda he received a call on 04.02.2016 from JE asking to visit PHE division Doda for inspection of record which he did not agree as it was very difficult to inspect the sought record in a short span of time as he required the information in hard copies for satisfaction. That PIO in his letter dated 01.02.2016 informed him that information sought by him is quite voluminous and would disproportionately divert the resources of the public authority, whereas he has only sought information of one water supply scheme. Further, PIO asked him to mention name of the water supply scheme which indicates non-

seriousness of the said PIO towards the Act and reveals that PIO wants to hide the information. Accordingly, appellant has requested the Commission to take further action under the Act regarding the explain matter.

As per records, appellant vide RTI application dated 15.12.2015 has sought information regarding Padder-Zagralli Kuluhand under PHE Division Doda i.e. total length of said pipeline, total pipes used, indent, estimates, work done estimate, survey report, technical sanction, name of work supervisory staff appointed from time to time, copies of M. Book, tendered work, departmental work, copies of allotment, name of executing agencies, payment details viz. Cheque NO. dated/amount, invoice detail for departmental works payment, muster sheets etc.

This RTI application has been responded to by PIO/Xen vide letter dated 01.02.2016 informing the applicant that the information sought by him is quite voluminous, which would disproportionately divert the resources of the public authority. PIO has accordingly requested the applicant to attend his office for inspection of the record in person or through authorized representative on 04.02.2016.

Meanwhile, appellant has approached FAA on 20.01.2016 submitting that in response to his RTI application PIO sent him an objection letter dated 30.12.2015 explaining that his application is not in line with the J&K RTI Rules 2012 and returned the application in original under Registered Post. This appeal was disposed of by Er. A.K. Pradhan, FAA/Superintending Engineer, Hydraulic Circle Doda vide letter 25.01.2016, asking PIO/Executive Engineer PHE Division Doda to provide the information to the appellant under intimation to his office.

In reply to the notice of the Commission, PIO has submitted that in compliance to the order of the FAA dated 23.02.2016, information seeker attended the office of

PIO on 04.02.2016 for inspection of record. In this connection, he has enclosed attendance register of the information seeker wherein his name is entered at A. No. 5.

During hearing via Video Conferencing from NIC Doda, appellant submitted that he did not get sufficient time to inspect the relevant records. PIO submitted that appellant can have inspection of records again in next week. Accordingly, PIO is directed to intimate date and time for inspection of information to the appellant either in the afternoon or forenoon and allow appellant take relevant extracts of the information/records inspected. A compliance report in this regard be submitted to the Commission.

Appeal disposed of with above directions.

Sd/-

(Er. Nazir Ahmed)

State Information Commissioner

Date: .05.2016

No: SIC/J/A/286/2016

Copy to:

1. FAA/Superintending Engineer, Hydraulic Circle, Doda.
2. PIO/Executive Engineer, PHE, Division Doda for compliance.
3. Private Secretary to Hon'ble State Information Commissioner (K), J&K State Information Commission for information.
4. Appellant/Sh. Mohd. Ishaq Batt, S/o. Sh. Ab. Gaffar Batt, R/o. Dali, Panchayat Kuluhand, BPO Udyanpur, District: Doda, Pin code: 182202.

(Renu Mahajan)

Joint Registrar

J&K State Information Commission