



Jammu and Kashmir State Information Commission
(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/20/2016
Decision No. SIC/K/SA/20/2016/20

Appellant : Sh. Mohammad Hassan Masha
Respondent : FAA/Project Director DRDA Kargil
PIO/BDO TSG, Kargil
Date of Registration : 22.02.2016
Date of Decision : 10.05.2016

Brief facts of the case are that the appellant filed Second Appeal in the Commission on 22.02.2016 against Project Director DRDA Kargil/FAA and Assistant Commissioner Development Kargil/PIO. The appellant has submitted that in order to get some information, he approached to PIO/ACR Kargil through application dated 16.11.2015. However, PIO has failed to provide him information within prescribed time period. Thereafter, he has filed First appeal before FAA on 16.12.2015, but FAA has also failed to respond First Appeal under prescribed time. The appellant has prayed before the Commission to direct the respondents to reply his queries and pay penalty

under Section 17 of RTI Act for their failure to provide the required information to appellant within stipulated time.

As per records the appellant has filed RTI application before PIO/ACD Kargil on 16.11.2015 through post. Thereafter, on 31.12.2015 he has filed First Appeal before FAA office of ACD Kargil on the ground that ACD Kargil/PIO has not given him the required information within the time limit of 30 days.

The appellant has enclosed a copy of letter dated 15.01.2016 from BDO TSG addressed to appellant which is reproduced as under:-

“Reference and subject cited above that the payments mentioned in the RTI application did not pertain to the BDO TSD. This office never executed the projects in the year 2014-15. However, the mentioned works are executed by REW Kargil and the Executive Engineer (REW Kargil) already provided the information to the applicant vide No.Exen-REW/Kgl/RTI/15/1675-76 dated 09.01.2016. It is therefore, the information sent to the applicant as required”.

The copy of the letter has been made to ACD Kargil for information.

As per records, the RTI application filed by the appellant has been responded by Xen REW Kargil vide letter dated 09.01.2016 enclosing estimates for 10 works along with the resolution. The appellant acknowledged this, but submitted that he has not been provided colour photographs as sought in the preface of his RTI application. Mr. Gulzar Hussain, Project Director DRDA Kargil and Gh. Mohammad, BDO TSG Kargil submitted before the Commission that photograph of these works are not available on record. In this connection, Project Director DRDA Kargil

invited attention of the Commission to letter and 11.03.2016 of Xen REW Kargil related to this RTI application, wherein he has submitted that colour photpgraph are not traceable at this time, as the works have been executed/completed and handed over to the villages about two years back. Accordingly, The Commission directs Xen REW Kargil to provide copy of letter dated 11.03.2016 to the appellatant within one week.

The Appeal is disposed of with the above directions.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the:-

1. FAA/ FAA/Project Director DRDA Kargil
2. PIO/BDO TSG, Kargil
3. Pvt. Secy to HSIC (K)
4. Sh. Sh. Mohammad Hassan Masha S/o Ghulam Muhammad R/o Tambis, Kargil

(G.Q.Bhat)
Registrar,
J&K State Information Commission