



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/26/2016
Decision No. SIC/K/SA/26/2016/21

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

1. Brief facts of the appeal are that appellant filed Second appeal on 29.02.2016 stating that BDO TSG Block Trespone Kargil has failed to provide information sought vide application dated 16.11.2015 within stipulated time. Thereafter he filed First Appeal before FAA/Project Director DRDA Kargil on 16.12.2015 and FAA has also failed to respond to his First Appeal despite lapse of stipulated time which is over on 31.01.2016.

The appellant has prayed before Commission to direct respondents to appeal in person to reply the issue of the appellant and direct them to pay

penalty under Section 17 of J&K RTI Act for their failure to provide required information to him within stipulated time.

2. As per records enclosed, appellant has filed RTI application on 16.11.2015 through post before PIO/BDO TSG Trespone has been responded to by BDO TSG Kargil vide letter dated 13.01.2016 informing appellant that information has already been provided vide letter No.535 dated 16.12.2015

3. In response to notice of Commission, Project Director CEO/FAA DRDA has filed reply/counter statement vide letter dated 23.03.2016 submitting as under:

..... Besides, the appellant sought information under RTI Act 2009 from Project Director/Chief Executive Officer, DRDA Kargil (FAA) on 16.12.2015 (copy of which is enclosed herewith which is self explanatory). The appellant is always misleading to JK State Information by submitting false information against Rural Development Department and have to harass the employees who are performing their duties in the field.

It is pertinent to mention here that project Officer, Wage Employment, ACD Kargil who is PIO Officer of RDD and the funds under MG-NREGA/IAY and other Central sponsored Schemes are directly released by the higher authorities at the disposal of Project Officer, Wages Employment, (ACD) Kargil. The appellant has never approached to PIO RD with regard to information under RTI Act 2009 nor the appellant physically attend to this office despite several request made by this office and even a meeting of the appellant and respondent i.e. Executive Engineer, Rural Engineering Wing, Kargil in the other case was also convened by this office to redress the grievances and to provide information, but the appellant has not attend in the meeting.

4. Heard Parties and perused records.

i) The appellant has sought information on five points. At Point (A), BDO submitted that information of 192 job card holders in village Tambis (A) has been provided. Appellant contested and submitted that information has been provided only for part of the village. BDO admitted that information has been provided in respect of village Tambis (A) only. Accordingly, BDO is directed to provide remaining information of Job Card holders to the appellant.

ii) At Point (B), BDO submitted that information copy of Muster Roll under MG-NREGA has been provided. He further submitted that information from 2008-12 is lying under the custody of public of Gund Mangalpur, who do not allow these rerecords to be accessed by the Department. The Commission cannot accept that the Government records have been kept in the custody of public and it is not allowed to be taken. Accordingly, the Commission directs ACD and BDO to take up the matter with law enforcing agencies so that record is retrieved and information sought is provided. BDO shall file compliance report in this behalf before the Commission within two weeks. Further, Muster Roll of skilled Labour be provided to the appellant.

iii) At Point (C), appellant pointed out that copy of indents for issue of cement for the year 2013-14 provided to him has not been passed by the BDO and materials have been shown as issued. He further submitted that indents for year 2015 have not been provided. BDO produced copy of indents for cement for year 2015, which are signed by BDO, whereas indents for

2013-14 has been signed by JE only. However, BDO submitted that whatever information was available on record has been provided. Accordingly, the Commission directs BDO to provide attested copies of copy of indents for the year 2013-2014 and 2015. Further, Project Director DRDA shall conduct an enquiry regarding issue of materials against an indent, which has not been signed/passed by BDO, who is the issuing authority. The Project Officer DRDA Kargil shall intimate outcome of inquiry to the Commission.

iv) Information in respect of Point (D) has already been provided and admitted to have received by the appellant.

v) In respect of Point (E), the appellant has sought copy of store materials indent issued for construction under MG-NREGA in village Tambis (A & B) during 2013/2014 and 2015. BDO submitted indents in respect of Cements have already been given. Appellant submitted that Materials other than Cement i.e. steel etc. are also issued. Accordingly, BDO is directed to provide information/indent of other store material (other than Cement) to the appellant.

These directions be complied with within two weeks.

5. In the reply/counter statement filed by the Project Director DRDA/FAA, it is nowhere mentioned that First Appeal filed before him has been adjudicated as per provisions of Section-16 of the Act. The FAA is required to pass an order after giving an opportunity of hearing to the appellant, even if the appellant do not attend the hearing on the fixed date. Therefore, Project Officer DRDA/FAA is advised to ensure that appeals filed

before him are decided as per provisions of Section-16 of the Act by passing an order after giving an opportunity of hearing to the appellant.

The Appeal is disposed of with the above directions.

Registry shall mark a copy of order to DC/CEO LAHDC Kargil for further action in respect of directions at Para-4 (iii).

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the:-

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

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