



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/41/2016
Decision No. SIC/K/SA/41/2016/28

Appellant : Sh. M Maqbool Bhat S/o Gh. Nabi Bhat
R/o Kh. Gareeb Nawaz Complex Cement
Kadal Noor Bagh Srinagar

Respondent : Tehsildar Eidgah

Date of Registration : 24.03.2016

Date of Decision : 17.05.2016

Brief facts of this case are that appellant filed Second Appeal on 24.03.2016 stating that he made an application under RTI Act 2009 to Tehsildar Eidgah on 27.11.2015 seeking certain information, but the PIO/Tehsildar failed to provide the information within period of one month. Thereafter, appellant filed First Appeal on 19.01.2016, which matter was referred to SDM (East) Srinagar under Section 16 of the Act. However, Respondent No.2 i.e. SDM (East) Srinagar failed to provide information till date. In view of the above, appellant has prayed that the respondents be

directed to provide information as per the Act and also impose fine on them for delay in providing the information.

Tehsildar Eidgah/PIO submitted that the RTI application was received by her office on 27.11.2015 and reply was given to the information seeker vide letter dated 02.12.2015 informing him to deposit the photo state charges. This reply has been sent through Indian Post.

From the perusal of documents enclosed with the appeal, it is evident that appellant has received this letter. The appellant submitted that they could not deposited the fee as the amount of copying charges was not mentioned. In view of the above, Tehsildar Eidgah is directed to communicate to appellant the amount of photo charges as per RTI rules 2012 within two days, provide information within one week thereafter and file a compliance report before the Commission.

In reply filed by SDM (East) Srinagar dated 30.04.2016 , he has given reference to letter dated 01.03.2016 under which information has been provided to the applicant. However, from the letter of PIO, it is evident that no such information in this case has been provided. Further, instead of deciding the First Appeal within the prescribed period as per provisions of Section 16 of the Act, the FAA has shifted blame on the applicant alleging wastage of time of Government Officials. The Commission would like to remind SDM (East) Srinagar that hearing of appellant and deciding appeal is as per mandate of Section-16 of RTI Act. In the instant case, the FAA has not decided the appeal and therefore he is at default in not complying with Section-16 of the Act. Therefore, SDM(East) Srinagar is directed to explain his position for his failure to decide the appeal as per Section-16 of the Act,

which compelled the appellant to approach the Commission with the Second Appeal.

The appeal filed before the Commission is disposed of with the above directions.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the:-

1. SDM (East) Srinagar
2. Tehsildar Eidgah Srinagar
3. Pvt. Secy to HSIC (K)
4. Sh. M Maqbool Bhat S/o Gh. Nabi Bhat R/o Kh. Gareeb Nawaz Complex Cement Kadal Noor Bagh Srinagar

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