



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

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File No. SIC/K/SA/33/2016

Decision No. . SIC/K/SA/33/2016/10

Appellant : Saba Majid S/ o Ab. Majid Khan
R/o Alamgari Bazar Srinagar

Respondent : PIO/BDO Khan Sahib Budgam

Date of Registration : 12.04.2016

Date of Decision : 22.04.2016

Brief facts of the case are that appellant filed a Second Appeal before the Commission on 16.03.2016 submitting that he approached PIO O/o Rural Development Kashmir vide RTI applications dated 24.08.2015, 03.09.2015 and 03.10.2015 seeking information regarding service particulars along with all relevant records pertaining to Ghulam Mohi-ud-Din Mir Plantation Watcher. That these applications were forwarded to BDO Khan Sahib and BDO Waterhail as per copies enclosed. That the appellant through medium of these RTI application had prayed disclosure of following information:

- i) Attendance details of said Plantation Watcher with effect from 20.07.2015 to 05.08.2015 and number of casual leaves/earned leaves submitted/availed by the said Plantation Watcher from 01.01.2015 to 30.08.2015
- ii) Attendance details of said Plantation Watcher with effect from 20.08.2015 to 01.09.2015, 01.07.2012 to 03.07.2012 and 10.07.2012 to 17.07.2012 respectively. And if leave is submitted, nature and grounds on which leave is submitted and sanctioned.
- iii) Provide photostat copy of written report dated 27.07.2015 submitted by Halqa Panchayat Secretary to BDO Waterhail regarding the arrest of said Plantation Watcher and provide Photostat copy of Suspension order of said Plantation Watcher Endorsement No.ACD/Bud/Estt/4436-37 dated 06.08.2015.

That information provided by PIO was fake, frivolous, false and incorrect. That aggrieved with the information provided by PIO, appellant filed an appeal before FAA Department of Rural Development Srinagar on 01.02.2016. That the matter came up for hearing before FAA on 06.02.2016 and report thereof have been provided vide letter dated 18.02.2016. Copies enclosed. That the applicant is aggrieved as the PIO concerned has not acted properly while discharging his duties as he has to provide the correct information pertaining to the service particulars of the said Plantation Watcher. The appellant has accordingly prayed that information regarding

service particulars along with all relevant records pertaining to the Service of Ghulam Mohi-ud-Din Mir Plantation Watcher be provided to the applicant and necessary action be taken against PIO.

In response to the notice of the Commission, FAA/Director Rural Development Department Kashmir filed reply/counter statement dated 12.04.2016 submitting that the appellant submitted First Appeal under RTI Act 2009 in his office on 01.02.2016 against PIO BDO Khan Sahib for providing false and frivolous information as sought by him. That after hearing both the parties (applicant represented by the father) on 06.02.2016, it was clarified that information was provided by BDO office Khan Sahib and Waterhail in response to her three successive RTI applications within stipulated time with detailed clarification. The representative of the applicant agreed the information was provided to the applicant, but aggrieved only at the point that Ghulam Mohi-ud-Din Mir Plantation Watcher was shown arrested by Police Station Beerwah Budgam instead of Police Station Zadibal Srinagar in the requisite information provided by BDO's Office Khan Sahib. Accordingly, FAA directed BDO Khan Sahib vide order dated 18.02.2016 to ascertain the arrest of Ghulam Mohi-ud-Din Mir Plantation Watcher from Police Station Zadibal Srinagar and submit report to Project Officer Wage Employment (ACD) Budgam for further necessary action under rules. Besides, Project Officer Wage Employment Budgam was requested to attach the Plantation Watcher in the O/o BDO Khan Sahib so that the activities of the said official are supervised regularly.

In RTI applications dated 24.08.2015, appellant has sought attendance of Ghulam Mohi-ud-Din Mir Plantation Watcher from 20.07.2015 to 05.08.2015. This has been responded to by the BDO vide letter dated 18.09.2015 stating that Plantation Watcher does not mark his attendance anywhere. However he is supervised by the concerned Panchayat Secretary, who has reported that he did not report to his duties w,e,f 20.07.2015. It is further stated that after proper verification, Panchayat Secretary confirmed his arrest and submitted a written report on 27.07.2015. The appellant pointed out that in the report of Panchayat Secretary dated 27.07.2015, it is not mentioned that said Plantation Watcher did not report for duties w,e,f, 20.07.2015. Therefore, BDO shall provide a copy of report of Halqa Panchayat Secretary who has reported that the said Plantation Watcher was absent w,e,f 20.07.2015. The other queries in the RTI applications dated 24.08.2015 and 03.09.2015 have been responded to as per records.

As regards information sought at Point 3 (c) of RTI application dated 01.10.2015, the appellant has sought copy of written report dated 27.07.2015 submitted by Halqa Panchayat Secretary Block Waterhail regarding the arrest of Ghulam Mohi-ud-Din Mir Plantation Watcher . This report have been provided to the appellant. In this report it is stated that the Plantation Watcher has been arrested by the Police Station Beerwah for some unknown reasons. In this regard, the appellant is aggrieved on the ground that no such arrest has been made by Police Station Beerwah. This issue has already been addressed by the FAA vide order dated 12.04.2016, where under BDO Khan Dahib has been directed to seek factual report from Police Station Zadibal Srinagar and submit the report to Project Officer Wage Employment ACD Budgam for further necessary action under rules.

The Commission has taken a serious note of the fact that BDO Khan Sahib has not taken any action on the direction of FAA, who is also Head of the Department, even after a lapse of more than two months. Therefore, the Commission directs BDO Khan Sahib to explain the delay in implementing the directions of the FAA and also take up the issue with Police Station Zadibal immediately and provide a copy of information received from P/S Zadibal to appellant under intimation to the Commission.

The appeal is disposed of with above directions.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the:-

1. FAA/Director Rural Development Department Kashmir
2. BDO Khan Sahib Budgam
3. Pvt. Secy to HSIC (K)
4. Saba Majid S/ o Ab. Majid Khan R/o Alamgari Bazar Srinagar

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