



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/51/2016

Decision No. SIC/K/SA/51/2016/30

Appellant : Sh. Shibhan Krishan Raina S/o Lt Janki Nath Raina
R/o Chinkral Mohalla Habbakadal Srinagar A/P A-
27/33 Phase-1 DLF City Gurgaon, Haryana

Respondent : Tehsildar Shalteng

Date of Registration : 27.04.2016

Date of Decision : 19.05.2016

This is an appeal filed on 17.04.2016 in reference to RTI application dated 29.10.2015 and response of Tehsildar South dated 28.12.2015. The appellant has submitted that FAA/ADC Srinagar did not pay any attention to his appeal dated 20.01.2016. He has accordingly requested to take action against PIO and direct them to provide information.

Respondent Mr. Syed Altaf, Tehsildar Shaltang Srinagar and appellant Shri Shibhan Krishan Raina attended the hearing. Tehsildar Shalteng submitted that he has transferred RTI application to Tehsildar Sought Srinagar vide letter dated 06.11.2015 stating that information sought is not available since the Tehsil Unit

(Shaltang) is a newly created one. Appellant submitted that Tehsildar South Srinagar has already replied to Tehsildar Shaltang vide letter dated 28.12.2015 stating that the action taken report and other information can be provided by his office, as the area in question falls under the jurisdiction of Tehsildar Shaltang and the records of the area are available with him .

In the RTI application, appellant has sought action taken report of order No.DMS/RD-498/Mig/112-14 dated 07.05.2007 passed by District Magistrate Srinagar, copy of which is marked to SSP-Srinagar, Tehsildar Srinagar and appellant.

Tehsildar Shalteng submitted that any information prior to creation of Tehsil Shalteng in 2014 “on the action taken report of order of the District Magistrate Srinagar” should be with Tehsildar South Srinagar. Tehsildar Shalteng submitted that order dated 07.05.2007 is based on a process, records pertaining to which have not been transferred to Tehsildar Shalteng.

In view of the above, The Commission directs Tehsildar South Srinagar Ms Nuzhat Qureshi to transfer the file pertaining to order dated 07.05.2007 of District Magistrate Srinagar to Tehsildar Shalteng. However, if no such file is available, Tehsildar is directed to file an affidavit before the Commission within two weeks.

From the communications of Tehsildar Shalteng and Tehsildar Sought on the subject, it appears that even after bifurcation of Tehsil, in 2014, records have either not been transferred in full or the two officers are shifting blame on each other and in the process, the information seekers are made to suffer. This being a

serious issue cannot be ignored as providing information under RTI Act solely depends on the availability of records in the respective jurisdictions of Tehsils.

Accordingly, the Commission directs District Development Commissioner Srinagar to enquire into the matter and ensure that all records pertaining to the new tehsils are transferred and inventory signed by both officers are maintained to avoid such confusion in future. Meanwhile, Tehsildar Shalteng is directed to intimate to the appellant further action taken into the matter as per orders of District Magistrate dated 07.05.2007 within two weeks and file compliance report before the Commission.

Appeal is disposed of with the above directions.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the:-

1. Distt. Development Commissioner, Srinagar
2. FAA/ADC Srinagar
3. PIO/Tehsildar Shalteng Srinagar
4. Ms Nuzhat, Tehsildar South Srinagar
5. Pvt. Secy to HSIC (K)
6. Sh. Shibhan Krishan Raina S/o Lt Janki Nath Raina R/o Chinkral Mohalla Habbakadal Srinagar A/P A-27/33 Phase-1 DLF City Gurgaon, Haryana

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