



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/43/2016
Decision No. SIC/K/SA/43/2016/33

Appellant : Sh. Muzaffar Ahmad Wani
R/o Alkausar Book Centre Akhara Lane Maisuma,
Srinagar

Respondent : PIO University Of Kashmir

Date of Registration : 31.03.2016

Date of Decision : 23.05.2016

Brief facts of this case are that appellant filed Second Appeal on 31.03.2016. Grounds of appeal are that appellant filed an application before PIO on 29.12.2015, but he did not received any response from PIO. Therefore, as per Act, he filed an application before FAA on 28.01.2016. The FAA upheld the appeal and issued an order dated 01.03.2016 directing Assistant Registrar (General Administration) to provide the requisite information within 10 days positively.

In compliance to the notice of the Commission, Ms. Asmat Kawoosa, FAA has filed reply dated 02.05.2016 interalia submitting during the course of hearing of the appeal , it was found that the required information was awaited from the

concerned quarter. Accordingly, she directed Assistant Registrar (General Administration) vide letter 01.03.2016 to provide information within 10 days positively. The information stands delivered to the appellant through PIO on 23.04.2016.

Mr. Abdul Rashid Sofi, PIO has filed reply interalia submitting that RTI application dated 30.12.2015 was forwarded to Assistant Registrar (General Administration) on 04.01.2016 to provide the requisite information. Since the information was not forthcoming, two reminders were issued to him for doing the needful. That in compliance to the directions of the FAA, dated 01.02.2016, information received from concerned quarters on 22.04.2016 has been delivered to the appellant on 23.04.2016.

The case was listed for hearing on 07.05.2016, but hearing could not be conducted as the respondents were absent and accordingly they were asked to explain as to why they failed to appear before the Commission.

In compliance to the directions of the Commission, Shri Ab. Rashid Dar Assistant Registrar (General Administration) and Ab. Rashid Sofi, PIO have filed explanations requesting for condonation of non-appearance.

During proceedings, the authorized representative of the appellant Sh. Riyaz Khaliq pointed out that minutes of the counsel meeting held on 23.10.2015 has not been proved to him vide letter dated 23.04.2016. PIO submitted that this information has not been sent inadvertently. Accordingly, a copy of the same is provided to the representative of the appellant during hearing. Appellant pointed out that in response to Point-3, designation of the contractual employees have not been given. This plea of the appellant is upheld and PIO is directed to communicate to appellant the designation of the employees, list of which has already been provided. In response to Point-5, Assistant Registrar (General Administration) has informed PIO that said representations are currently under process. Since the definition of information includes providing documents on

records, PIO/Assistant Registrar (General Administration) is directed to provide communications relating to these representations to the appellant as per record.

As regards delay, Assistant Registrar (General Administration) is directed to explain as to why penalty proceedings shall not be initiated against him under Section 17 of J&K RTI Act for his failure to provide required information within time to the RTI application transferred to him by PIO vide letter dated 30.12.2015. His explanation, if any, should reach the Commission within two weeks.

These directions be complied with within two weeks.

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

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the:-

1. Deputy Registrar, University of Kashmir Srinagar
2. PIO University of Kashmir
3. Assistant Registrar (General Administration) University of Kashmir, Srinagar
4. Pvt. Secy to HSIC (K)
5. Sh. Muzaffar Ahmad Wani R/o Alkausar Book Centre Akhara Lane Maisuma, Srinagar

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