



Jammu and Kashmir State Information Commission

شنیشن کمیٹی انفارمیری اسٹینڈ 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

www.jksic.nic.in

File No. SIC/K/SA/42/2016

Decision No. SIC/K/SA/42/2016/34

Appellant : Sh. Saddat Ahmad Qadri Prop. M/S Sadaat Enterprises Silk Factory Raod Solina Bazar, Srinagar

Respondent : PIO EM&RE Wing Kashmir

Date of Registration : 29.03.2016

Date of Decision : 23.05.2016

Brief facts of the case are that appellant has filed Second Appeal before the Commission on 26.08.2015 stating that he filed RTI application before PIO Office of the Chief Engineer EM&RE Wing, Kashmir on 5th June 2015, but no response was received within time period stipulated under the Act. That a copy of letter dated 13.06.2015 was received by him and the contents of same are far from factual position. That he filed First Appeal before FAA on 27.06.2015, but no intimation of any disposal made by FAA has been furnished to him till date of filing of Second Appeal.

The appellant has requested the Commission to direct PIO/FAA to furnish the sought information without any further delay and necessary reprimand as ordained in terms of provisions of the Act may be affected on them.

In response to notice of the Commission dated 18.04.2016, PIO Office of the CE EM&RE filed reply/counter statement dated 29.04.2016 interalia stating that RTI application received from the appellant on 08.06.2015 was forwarded to the concerned Superintending Engineer vide letter dated 13.06.2016 for reply to the applicant, as all the records of their office had got lost in floods of September 2014. That RTI application was responded to vide letter dated 03.07.2015 by providing point wise response to the queries of the RTI application. It is further submitted that there is no question of irrelevance as it is prerogative of their office to ask the subordinate offices to furnish the required information to the information seeker directly. That the issue in question pertains to liability, which is not only the applicant's issue, but there are similar other issues which are being addressed on regular basis and their office has taken up the issue of allotment of funds with higher authority while submitting the annual budget estimates for 2016-17 vide letter dated 21.10.2015.

In response to the directions of the Commission dated 03.05.2016, the appellant has filed reply/counter statement stating that letters dated 13.06.2015 and 03.07.2015 from the concerned PIO is not relevant with the information sought in his RTI application. That information sought pertains to period prior to two and a half years and that PIO opted to remain silent on (a) if any action has been taken earlier in this regard prior to September 2014 floods and if the demand was ever reflected previously in budget proposals and a copy of genuineness on the basis of which liability is reflected in

current year's budget proposals is requested to be made known to him. That in the concluding sentences about the 'Committee', PIO has not mentioned any finding which might have been made by the Committee over more than ten months as was mentioned in his letter No. 11777/TS dated 03.07.2015.

Heard parties and perused records.

In response to Point-1, PIO has informed that all the records prior to September 2014 got lost in floods of September, 2014. In this connection, he has transferred RTI application to SE Ganderbal vide letter dated 13.06.2015 along with RTI application. Since matter pertains to SE Ganderbal, action taken by the PIO to seek help from SE to get information is in accordance with the act. Therefore, SE Ganderbal is directed to provide copy of endorsement made by CE EM&RE on the communication dated 27.09.2013, if any, and inform the appellant.

Point-2 has been responded to by PIO giving same response as to the Point-1 that records have been washed away due to the floods of September 2014. During proceedings, PIO submitted that he has obtained copy of notice dated 28.05.2015, wherein CE EM&RE has endorsed copy of legal notice to Xen ED Budgam. PIO is directed to provide copy of this communication to the appellant. Another notice dated 28.05.2015 pertains to STD Ganderbal. Therefore, PIO is directed to obtain copy of communications made by CE EM&RE with regard to notice dated 28.05.0215 from Xen concerned and provide to the appellant. PIO informed that Xen ED Anantnag and Xen STD Ganderbal have submitted liability statement of appellant recently. He is directed to provide copy of these documents to the appellant.

At Point-3, appellant has sought present/latest status of all the cases. This has been responded to by the PIO informing that a Committee has already been framed to ascertain genuineness of the claim. Further, In

compliance to the directions passed on 09.05.2015, PIO has already forwarded copy of this order dated 03.07.2015 to the appellant. In reply dated 12.05.2016 appellant has pointed out that PIO has not mentioned findings of the Committee as was mentioned in letter dated 03.07.2015. This plea of the appellant is upheld and the PIO is directed to provide copy of findings/minutes of meeting of committee to the appellant.

The above directions should be complied within two weeks.

With the above directions, the appeal filed before the Commission is disposed of.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the:-

1. Chief Engineer, EM&RE Wing Kashmir
2. Superintending Engineer, EM&RE Ganderbal
3. PIO O/O CE EM&RE Wing Kashmir
4. Pvt. Secy to HSIC (K)
5. Sh. Saddat Ahmad Qadri Pro M/S Sadaat Enterprises Silk Factory
Raod Solina Bazar, Srinagar

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