



**Jammu and Kashmir State Information Commission**

شنیشن کمیٹی انفارمیشن اسٹیٹ کنڈ 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/50/2016

Decision No. SIC/K/SA/50/2016/35

Appellant : Sh. Gh. Mohd Ganai S/o Gh. Nabi Ganai,  
R/o Akhran Tehsil Devsar, Distt. Kulgam

Respondent : PIO/CEO Kulgam

Date of Registration : 26.04.2016

Date of Decision : 30.05.2016

Appellant filed second appeal in the Commission on 26.04.2016 stating therein that PIO/CEO Kulgam has not disposed of his RTI application dated 06.02.2016 within stipulated time. Thereafter, on 08.03.2016 he filed First appeal before FAA, that too remained at default for not disposing of the appeal till date. Appellant requested the Commission to take cognizance of the appeal and take action against defaulters under provisions of RTI Act 2009.

In response to notice of the Commission dated 02.05.2016, CEO Kulgam has filed reply dated 06.05.2016 interalia submitting that his office have already submitted requisite information to Director School Education

Kashmir vide this office No.CEO/K/RTI/12684 Dated 24.03.2016 for further action at their end. Consequently, the information was supplied to information seeker by the Directorate and accordingly the appeal was disposed of by sending a copy to this office vide their letter No.DSEK/RTI/F-472/404-05 Dated 31.03.2016.

Mr. Saif Ali Chowhan, Jt. Director School Education Kashmir/FAA and Mr. Ab. Rouf, CEO Kulgam attended the hearing. The appellant did not attend the hearing on the previous date of hearing on 16.05.2016 and also today, although notice was sent to him through Registered post on 16.05.2016.

In compliance to the directions of the Commission conveyed vide communication dated 16.05.2016, Mr. Z.A. Banday has filed reply submitting that RTI application was addressed to PIO/CEO Kulgam and information to information seekr was provided by said PIO. Mr. Ab. Rouf, CEO Kulgam has filed compliance report dated 27.05.2016 interalia submitting that in response to Para-1 requisite information sought by the appellant is enclosed.

Information enclosed reveal that copy of report on the subject “complaint against Gh. Ahmad Ganaie, Head Master, GMS, Nowpora, Devsar Kulgam” signed by District Vigilance Officer (Education) Kulgam, list of officials who have been promoted and copy of order dated 30.11.2015 issued by CEO Kulgam has been sent to the appellant. As regards information sought at Para 2, CEO Kulgam has referred to the relevant clauses of the RTI Act and concluded that information asked for by the

applicant do not pertain to the exemptions referred by the Section 8 (i) of the Act. The copy of reply/counter statement along with information referred to have been sent though Registered post on 28.05.2016.

From the above, it is evident that CEO Kulgam has complied with the directions and applicant has neither filed any objections nor attended the hearing on consecutive dates.

As per records, RTI application addressed to CEO Kulgam/PIO has been sent through post on 06.02.2016. However, CEO instead of sending information to appellant, has forwarded the same to the Director School Education Kashmir vide letter dated 24.03.2016, which information has then been forwarded to information seeker by DSEK on 31.03.2016. It appears that CEO Kulgam is not conversant with the provisions of Section-7 of the Act, which requires PIO to send information to information seeker and not to his superior officer. Therefore, PIO/CEO Kulgam is directed to remain careful in future and ensure that information is sent to information seeker within period prescribed.

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

**Sd/-**  
**(Nazir Ahmed)**  
**State Information Commissioner**

**Copy to the:-**

1. FAA/Jt. Director School Education Kashmir
2. PIO O/o Directorate of Kashmir
3. CEO Kulgam

4. Pvt. Secy to HSIC (K)
5. Sh. Gh. Mohd Ganai S/o Gh. Nabi Ganai, R/o Akhran Tehsil  
Devsar, Distt. Kulgam

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