



J&K State Information Commission
Wazarat Road, Near D.C. Office, Jammu /
Old Assembly Complex, Srinagar.

File No. SIC/CO/SA/365/2016
Decision No. SIC/CO/SA/365/2016/906

Appellant : Dalbir Singh Jamwal
Respondent: FAA/PIO, GAD, Civil Secretariat, J&K.
Date of Institution: 11-04-2016
Date of Decision: 19-05-2016/
State Information Commissioner: Er. Nazir Ahmad
Decision: Appeal disposed of.

1. Brief facts of the case are that appellant filed 2nd appeal before the Commission on 11-04-2016, against the order passed by FAA vide order dated: 23-02-2016. It is submitted that PIO denied information as asked for in his RTI application dated: 09-12-2015. That inspite of directions of FAA vide order dated: 23-02-2016, PIO did not provide complete information. That FAA, GAD decided the first appeal filed before him vide order dated: 23-02-2016, wherein, PIO, GAD was directed to provide complete information to the appellant. That inspite of directions of the FAA, PIO did not provide complete information. Appellant has made prayer to the Commission that complete information be provided to him and PIO, GAD be penalized as per RTI Act, 2009 for deliberately denying information.
2. Mr. Imteeaz Kacho, PIO, GAD attended the hearing at Commission office, Srinagar and appellant, Mr. Dalbir Singh Jamwal heard via video conferencing from Jammu office.
3. In compliance to the notice of the Commission, Mr. Imteeaz Kacho, PIO, GAD has filed reply/counter statement to the appeal vide letter dated: 26-04-2016, interalia stating that information available in the General Administration Department was

provided to the appellant vide letter dated: 22-01-2016 and with respect to information sought at point 2, information pertaining to GAD was provided to the appellant and for information pertaining to various other departments, RTI application of appellant was transferred to rest of the Administrative departments under Section 6(3) of the J&K RTI Act, 2009 vide letter dated: 22-01-2016. That during hearing of first appeal before FAA, GAD, appellant expressed his satisfaction regarding information provided with respect to point 1,2&3 of his RTI application. However, his only assertion was regarding information provided with respect to point 4 of his RTI application. That during proceedings before FAA, appellant drew attention of FAA/PIO to a Government order dated: 13-08-1987, issued by School Education Department, which had a reference of the Coordination Section of GAD (No. GDC/207/CM/87) dated: 10-08-1987. Accordingly, FAA directed PIO to obtain remaining information, available on records from Coordination Section and furnish to the appellant. Accordingly, Coordination Section was communicated to provide the said information vide letter dated: 24-02-2016, who vide letter dated: 26-02-2016 intimated that no such information was available with them, as the same got destroyed during the floods of September, 2014. Accordingly, same was conveyed to the appellant.

Conclusion and Decision:

4. In respect of point 1 of RTI application, appellant submitted that information downloaded from the website of GAD display list of only 30 departments. The respondent PIO clarified that list uploaded on the website are administrative departments located in the Civil Secretariat. However, Commission directs PIO, GAD to revisit the website and ensure that list of all administrative departments (as defined by the Government as departments) are uploaded on the website.

5. At point 2 of his RTI application, appellant had sought name of different types of posts along with their pay scales that exist in various departments, in response to which, PIO has provided information of Gazetted and non Gazetted posts that exist in GAD and for information of other department, PIO forwarded RTI application to various administrative departments under Section 6(3) for providing information directly to the appellant. Appellant pleaded that he has not received this information from the

concerned administrative Secretaries/HoDs and instead he has received voluminous information from different departments and even from district level offices, running into hundreds of pages. Appellant thus implied that departments other than GAD do not have consolidated information of posts and pay scales of their employees. On this point, Commission would like to draw attention of GAD to sub section (ix) & (x) to Section 4 of the Act, which requires public authorities to maintain a directory of its officers/employees and monthly remuneration received by each officer/employee respectively. Therefore, details of different types of posts with their pay scales that exist in various department should have been uploaded on the website of various administrative department, as is required under Section 4 of the Act. Had this information been uploaded on the website of the departments, appellant could have accessed this information. It thus appears that departments do not have this consolidated information, as otherwise RTI application transferred by PIO, GAD to PIOs of other administrative departments would have not been further transferred down to district level offices.

6. In view of the above, Commissioner/Secretary, GAD shall issue instructions to all administrative departments to maintain list of different posts with their pay scales under their administrative control and put details on website expeditiously as per provisions of Section 4 refer to above. It would also be expedient, if a consolidated list and department-wise list of all gazetted and non gazetted employees of the state are put in public domain on the website of GAD, so that citizens do not have to resort to RTI Act to access such information.

7. At point 3 of his application, appellant has sought information regarding formalities / conditions for change of cadre from one department to another. In response to this, PIO has enclosed various circulars of GAD on the subject of "**change of cadre**" dated: **29-08-2003** and dated: **12-03-2003**, **Ban on inter cadre transfer of employees dated: 23-11-2009, etc.....** Appellant alleged that inspite of such circulars, change of cadre is taking place in various departments and in particular he has made reference of a Government Order, issued by School Education

Department dated: 13-08-1987. In this regard, he has requested that he may be intimated the latest guidelines/conditions laid down by the Government for change of cadre. Therefore, PIO, GAD is directed to provide a response to this request as per records within 2 weeks.

8. At point 4 of his RTI application, appellant has sought list of those employees/officials along with Name, parentage, original department, new department and no. & date of order, who have changed their cadre after their appointments in J&K Government. The Commission is of the considered view that such information will be scattered to different departments, as information sought is not specific. Therefore, collection/compilation of such information would invoke Section 7(9), i.e., it would disproportionately divert the resources of the public authorities. Also, Supreme Court of India in a case titled **Central Board of Secondary Education & Anr V/s Aditya Bandopadhyay & Ors.** ... has held that.....nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties.

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

Sd/-

(Er. Nazir Ahmad)

State Information Commission

Dated: -05-2016

No. SIC/CO/SA/365/2016

Copy to the:-

1. First Appellate Authority, General Administration Department, Civil Secretariat, J&K, Srinagar.
2. Public Information Officer, General Administration Department, Civil Secretariat, J&K, Srinagar.
3. Pvt. Secretary to HSIC.
4. Shri Dalbir Singh Jamwal S/o Hira Singh Jamwal R/o Bhalwal Tehsil Bharwal District Jammu (Appellant).
5. Guard file.

(G.Q.Bhat)

Registrar,

J&K, State Information Commission