



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

File No. SIC/CO/SA/344/2016  
Decision No. SIC/CO/SA/344/2016/908

Appellant : Advocate A.R.Dar  
Respondent: FAA/PIO, JKBOPEE.  
Date of Institution: 03-02-2016  
Date of Decision: 25-05-2016/  
State Information Commissioner: Er. Nazir Ahmad  
Decision: Appeal disposed of.

1. Brief facts of the case are that appellant filed 2<sup>nd</sup> appeal before the Commission on 03-02-2016 on the ground that reply of PIO, JKBOPEE dated: 30-09-2015 furnished to appellant with regard to RTI application before PIO, JKBOPEE on 15-09-2015, seeking progress of the application regarding payment of legal fee in court cases, observation made by Mr. Saraf, Ex-FA and Mr. Bandy, Ex-Law Officer/Secretary, BOPEE and progress of present Chairman, was not complete and satisfactory. That first appeal was filed before FAA, JKBOPEE on 18-11-2015, submitting that PIO had not provided him complete and satisfactory information. That FAA decided first appeal vide order dated: 19-01-2016, but information was not provided. Appellant has accordingly prayed before Commission that information be provided to him and costs be imposed on the Board for the delay.

2. Mr. Khursheed Ahmad Shah, Secretary/FAA, JKBOPEE, Zahoor Ahmad, PIO, JKBOPEE and the appellant, Advocate, A.R.Dar attended hearing.

3. PIO, Mr. Zahoor Ahmad submitted that RTI application dated: 15-09-2015 has been responded to vide PIO's order dated: 30-09-2015. Perusal of PIO's order referred above reveal that at para A, reply has been provided vide letter dated: 26-11-2013. In reply to para B & C, PIO has informed appellant that relevant file, in which observations were made by the then FA and Law Officer has been damaged in devastating floods in September, 2014. As regards para D, appellant has been informed that matter was processed in February, 2015, after the issue was discussed with Chairman and appellant but the issue remained unsettled for want of information on part of the appellant. Accordingly a letter was sent to the appellant dated: 02-03-2015 with intimation to furnish counsel fee orders for the year 1998, 1999, 2000 and 2003 along with all other necessary supporting documents, if any, so that counsel fee claim of the appellant is settled. PIO produced copy of this letter addressed to Shri A.R.Dar, Advocate, appellant before the Commission.

4. In the counter reply filed by appellant on 21-04-2016, it is submitted that respondents FAA/PIO, JKBOPEE have not mentioned in the decision of first appeal that FIR with the Police was lodged before the SHO, Saddar regarding submerging/damaging of records in 2014, neither FIR no. has been mentioned, nor police action has been mentioned in the decision. It is further submitted that first appeal was filed before the respondents before floods. That final decision of the appeal should have been mentioned in appeal, which was decided on 19-01-2016. That one application and RTI was filed in 2012 and first appeal in 2012 and Department was bound to mention the observation of the Financial Advisor (Saraf's) which was intentionally avoided.

5. The respondents FAA/PIO, JKBOPEE have filed counter statement on 20-05-2016 with copy to the appellant, wherein, in response to para A of RTI application, it is stated that although FIR with regard to damaged record and equipments was lodged in Police Station, Saddar but no FIR was given by the Police Station, as the Police Station itself was submerged. A copy of the letter where under FIR was lodged has been enclosed with counter statement.

6. On the point of submersion of records in floods, it has been consistent stand of the Commission that wherever public authorities pleads that records were submerged and damaged during floods, public authorities are required to file an affidavit regarding damage/submersion of records, related to RTI application (s).

7. The plea of the appellant that first appeal was filed before floods of September, 2014 is not corroborated because as per documents enclosed with the appeal, first appeal has been filed by him on 15-09-2015. It appears that the appeal referred to by the appellant is in respect another RTI application, which in any case, is not relevant to the present case.

8. In view of above, appeal filed before the Commission is disposed of with direction to the PIO, JKBOPEE to file an affidavit before the Commission within 10 days with copy to the appellant.

Sd/-  
**(Er. Nazir Ahmad)**  
State Information Commission  
Dated: -05-2016

No. SIC/CO/SA/344/2016

Copy to the:-

1. Secretary/FAA, JKBOPEE.
2. PIO, JKBOPEE.
3. Pvt. Secretary to HSIC.
4. Advocate, A.R.Dar, Post Box No. 904, G.P.O., Srinagar (Appellant).
5. Guard file.

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