



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

File No. SIC/J/A/6/2016
Decision No. SIC/J/A/6/2016/321

Appellant : Kewal Krishan
Respondent: ACD, Kishtwar/BDO, Dachan.
Date of Institution: 21-04-2016
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 an RTI application before Assistant Commissioner, Development, Kishtwar on 04-12-2015, which was forwarded to BDO, Dachan vide letter dated: 08-12-2015 under Section 6(3) of the Act, directing BDO to provide requisite information within stipulated time under intimation to ACD Office. BDO, Dachan was further informed that delay in providing information shall invite penalty of Rs. 250/- per day under Section 17 of the Act. Copy of this communication is marked to the appellant. Thereafter, first appeal was filed before Director, Rural Development, Jammu on the ground that despite lapse of stipulated time, information has not been provided to the information seeker. 2nd appeal was filed on the ground that FAA did not pass order on first appeal, despite lapse of more than prescribed time limit. Also appellant has not received any information from BDO, Dachan.

2. Mr. Garbir Rashid Dar, ACD, Kishtwar attended the hearing through NIC, Kishtwar. BDO, Dachan and appellant did not attend hearing, although notice was issued to them by the Commission dated: 12-05-2016 to attend hearing at NIC, Kishtwar.

3. As per documents enclosed with the appeal, appellant has filed first appeal before Director, Rural Development, Jammu. As per intimation given by the Director, Rural Development, Jammu during previous hearings, Commission was informed that all ACDs have been designated as First Appellate Authorities in their jurisdiction in respective districts. Therefore, in this case, Assistant Commissioner, Development, Kishtawar is the designated FAA.

4. In view of the above, Commission directs ACD, Kishtawar/FAA to decide the first appeal forwarded to him enclosed with notice of the Commission dated: 12-05-2016, after hearing both BDO, Dachan and appellant and pass order as per Section 16 of the Act. ACD shall also make a reference to the Commission, as per Section 16(3) of the Act, if in his opinion, delay on the part of BDO is without any reasonable cause.

5. 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/J/A/6/2016

Copy to the:-

1. Director, Rural Development, Jammu.
2. ACD/FAA, Kishtawar.
3. BDO, Dachan /PIO.
4. Pvt. Secretary to HSIC.
5. Shri Kewal Krishan S/o Shri Mansa Ram R/o Kalnoo Sounder, Tehsil Dachan District Kishtawar (Appellant).
6. Guard file.

(G.Q.Bhat)

Registrar,

J&K, State Information Commission

