



Jammu and Kashmir State Information Commission

شہن ۛم شہن ۛ انفارم ٹہ اسٹ ری کشم نڈہ ا جموں

(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/J/A/04/2016

Decision No. SIC/J/A/04/2016/324

Appellant : Mr. Karan Sharma
Respondents : GMC Jammu.
Date of Registration : 21.04.2016
Date of Decision : 26.05.2016

Brief facts of the case are that appellant filed Second Appeal on 25.01.2016 (admitted after completion of deficiencies on 21.04.2016) stating that PIO has not given him information as mentioned in his RTI application and the concerned PIO only suppressing the materials by one way or the other, has given information which is not material as the information required as per facts narrated in the application. That FAA is under obligation to provide information to the appellant, but he did not adhere to the mandatory provisions of the Act, thereby violated the provisions.

The appellant has prayed that information as stipulated in the RTI application be provided to him and penalty be imposed on the PIO as well as FAA under provisions of the Act.

As per records, appellant has filed an application under J&K RTI Act, 2009 through Registered Post on 06.04.2015 addressed to PIO Office of Commissioner/Secretary Municipality, Civil Secretariat, Jammu

seeking information on 07 Points mainly related to appointment of Sanitary Inspectors in the year 1990. Thereafter, First Appeal has been filed before FAA Office of Commissioner/Secretary to Government, Municipality, Civil Secretariat on 08.08.2015.

PIO JMC Mr. Rajnit Singh, Assistant Secretary JMC Mr Surinder Kumar Sharma and appellant Mr. Karan Sharma heard via Video Conferencing.

PIO submitted that RTI application of the applicant was transferred to him by PIO/Under Secretary to Government, Housing & Urban Development, Department, Civil Secretariat vide letter 10.06.2015 with copy to the appellant. The application was responded on 20.07.2016 enclosing information given by Assistant Secretary, JMC. This information is enclosed with the Second Appeal of the appellant, implying that appellant had received it. Therefore, as per Section 16(1) of the Act, appellant ought to have filed First Appeal with FAA Office of Jammu Municipal Corporation. The appellant has filed First Appeal before FAA Office of Commr./Secretary to Government, Civil Secretariat., who is not the designated FAA to PIO JMC Jammu. Therefore, assertion made by the appellant in the Second Appeal that FAA did not provide him any response is not tenable.

With regard to incomplete information provided to him by the PIO, appellant drew attention of the Commission to Para-2 of reply of Assistant Secretary JMC dated 10.07.2015 enclosed with the reply of PIO dated 20.07.2015 wherein it is reported that *'present dealing assistants have reported that the same is not traceable despite repeated search to the record kept by the then record keeper/dealing assistant namely Late Sh. Ashok Kumar Gupta who remained associated with record in year 1990 and has died in harness on 04.11.2010. The only information made available is appointment order of 14 Sanitary Inspector under No.*

MJ/Estt/Ps/Adm/30-31 dated 12.04.1991 (copy enclosed)'. The appellant submitted that this document is not legible. PIO is therefore directed to provide legible copy of engagement order of 14 Sanitary Inspectors along with signed page as per records. Regarding "not traceable records", PIO is directed to make further efforts to trace relevant records within two weeks and in case of failure to locate the relevant records, PIO shall file an affidavit before the Commission with copy to the appellant.

Further at Para 6, the appellant has sought list of candidates appointed as Sanitary Inspector till date, who had obtained their diplomas from Delhi Vishwa Vidya Preeth, Delhi. The Commission is of the view that information pertaining to Point-6 can be retrieved/accessed from the service records of the Sanitary Inspector's appointed by the Corporation. PIO is directed to intimate to the appellant information at Point-6 and also particulars of the institute from where 14 Sanitary Inspectors have obtained their diplomas. These directions should be complied to within two weeks.

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

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the: -

1. Commissioner Jammu Municipal Corporation, Jammu.
2. Joint Commissioner Jammu Municipal Corporation, Jammu.
3. PIO Jammu Municipal Corporation, Jammu.
4. Pvt. Secretary to Hon'ble State Information Commissioner, Srinagar.
5. Mr. Karan Sharma r/o 617-A, Janipur, Jammu.

(G.Q. Bhat)
Registrar,
State Information Commission

