



**Jammu and Kashmir State Information Commission**  
(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/57/2016  
Decision No. SIC/K/SA/57/2016/40

Appellant : Sh. Ab. Qayoom  
Respondent : PIO/CEO Pulwama  
Date of Registration : 19.05.2016  
Date of Decision : 14.06.2016

Brief facts of this case are that appellant filed Second Appeal on 19.05.2016 submitting that he requested CEO Pulwama vide letter dated 03.09.2015 under RTI Act for allowing him the inspection of records in his office, but CEO Pulwama did not allow him inspection of records. Thereafter he filed First Appeal before FAA on 31.03.2016, which appeal was disposed of by the FAA on 04.04.2016 with directions to CEO Pulwama for giving access to records of his office to the appellant. But CEO instead of giving access to records, provided him some documents. That he also approached Office of ZEO Shadimarg and ZEO Kakapora on several occasions, but no response was given and he was told that CEO has directed them not to allow any RTI application from him.

In view of the above, the appellant requested to direct CEO Pulwama for giving him access to records in his office to enable him locate his service documents. He has also requested for taking action against CEO Pulwama for not allowing him the inspection of records in his office.

CEO Pulwama has sought exemption from hearing on medical grounds stating that he has recently gone brain surgery and has requested to allow Dy. CEO to represent him because of his ailment.

Shri Saif Ali Chowhan/FAA and Mr. Fayaz Ahmad, Dy. CEO Pulwama and appellant attended the hearing.

FAA/Jt. Director DSEK has filed reply/counter statement dated 31.05.2016 interalia submitting that the appeal was duly processed and forwarded to PIO, Chief Education Officer, Pulwama with the directions to allow the information seeker to inspect the records of his office/ ZEO Shadimarg and ZEO Kakapora vide letter dated 04.04.2016.

CEO Pulwama has filed reply/counter statement dated 09.06.2016 interalia submitting application filed by Mr. Ab. Qayoom under RTI Act on 03.09.2015 was addressed to ZEO's concerned for allowing him to inspect the records pertaining to his services on 06.10.2015 (copy enclosed). That the information seeker was informed on phone to go to the offices concerned for inspection of records but till 21.10.2015 he did not come and a letter was sent

to him through post along with other information sought under separate application. That the appeal filed before the Directorate was not received by his office. However, the appeal which he filed before the Commission has been received on 28.05.2016 and in response to which they again sent a letter to appellant through post on 06.06.2016 (copy enclosed along with postal receipt) but even then the information seeker did not come.

The appellant denied receipt of letter dated 06.10.2015 but admitted receipt of letter dated 30.05.2016 on 08.06.2016.

Respondent Dy. CEO produced evidence regarding dispatch of letter dated 06.10.2015 through Indian Post on 21.10.2015 under No. RE8537074241N.

Therefore, evidence is in favour of respondents/CEO as they have sent the letter through prescribed mode of service, even though appellant denied its receipt. Further ZEO's Shadimarg and ZEO Kakapora, are deemed PIO's in respect of records available by their office.

In view of the above, the Commission directs appellant to intimate in writing to CEO Pulwama , ZEO Shadimarg and ZEO Kakapora the date of inspection of records on any working day within two weeks with copy to the Commission. CEO Pulwama shall ensure that his office and the concerned

ZEO's Offices facilitate inspection of records to the appellant regarding his service documents and file a compliance report before the Commission.

The Commission further directs ZEO's Shadimarg, Kakapora and teaching Section of CEO Office to explain further action taken by them on communication of CEO Pulwama dated 06.10.2015 and whether they intimated appellant date for inspection. Their explanation, if any, should reach the Commission within two weeks from the receipt of this order failing which action as per provisions of the Act shall be initiated against them.

Accordingly, appeal is disposed of with above directions.

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

**Copy to the:-**

1. Jr. Director (Secondary Education) DSEK
2. CEO Pulwama
3. Pvt. Secy to HSIC (K)
4. ZEO's Shadimarg and Kakapora
5. Sh. Abdul Qayoom (Master) R/o Brain, Nishat, Srinagar

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