



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

File No. SIC/J/A/29/2016
Decision No. SIC/J/A/29/2016/3387

Appellant : Shri Tara Chand
Respondent: SE/FAA, R&B, Jammu-Kathua Circle
Xen/PIO, R&B, Samba.
Date of Institution: 07-05-2016
Date of Decision: 08-06-2016/
State Information Commissioner: Er. Nazir Ahmad
Decision: Appeal disposed of.

1. Brief facts of this case are that appellant filed 2nd appeal before the Commission on 07-05-2016, stating that Executive Engineer, R&B, Samba / PIO has deliberately denied exact information as asked for in the RTI application dated: 08-01-2016 and furnished some fake documents without any authenticity and seal of any authority. That first appeal filed before Superintending Engineer/FAA, Jammu-Kathua Circle on 24-02-2016 was decided by SE, PWD (R&B), Jammu-Kathua Circle / FAA on 01-03-2016 with directions to the Executive Engineer, R&B, Samba / PIO to visit at site on 02-03-2016 along with appellant, Shri Tara Chand for solving matter pertaining to RTI. That appellant visited the site as per directions of the FAA, but none of the authorities visit the site any time. Appellant has made prayer before the Commission that information as asked vide RTI application dated: 08-01-2016 be provided to him and PIO be penalized for deliberately denying exact information.

2. Shri D.K. Rampal, Executive Engineer, R&B, Samba /PIO and the appellant Shri Tara Chand attended hearing through video conferencing from Jammu Office of the Commission.

3. Appellant admitted receipt of information but pointed that copy of the report of JE is without any date. Executive Engineer / PIO submitted that he has received copy of the report from JE without any date. Since PIO is required to provide information as available on record,

therefore, no action is warranted against him except that he shall attest the report of JE and provide same to the appellant within a weeks' time.

4. At point 2 of RTI application, appellant has sought location of illegal construction, which has been responded to by PIO that this construction has come up in km 2nd RD 250-500, Right side and exact location can be gauged from revenue record. Appellant argued that no such illegal construction has been under taken by him. However, to satisfy appellant, Executive Engineer / PIO is directed to mark the RD's on the road, so that the apprehensions of the appellant with regard to location are set at rest.

5. Although appellant submitted that no illegal construction has been under taken by him, Executive Engineer produced photographs to substantiate that violation / encroachment has been done by the appellant. Photographs produced before the Commission taken on record.

6. In view of the above, Commission held that information asked for has been provided. It appears that appeal has been filed because appellant felt that he has not made any encroachment or illegal construction, which is outside purview of RTI Act.

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

Sd/-
(Er. Nazir Ahmad)
State Information Commissioner

No. SIC/J/A/29/2016

Dated: -06-2016

Copy to the:-

1. First Appellate Authority /SE, R&B, Jammu-Kathua Circle.
2. Public Information Officer, Executive Engineer, R&B, Samba.
3. Pvt. Secretary to HSIC.
4. Shri Tara Chand S/o Shri Natho Ram R/o Jatwal (Balooni) Tehsil Ghagwal and District Samba (Appellant).
5. Guard file.

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