



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

File No. SIC/J/A/291/2016
Decision No. SIC/J/A/291/2016/330

Appellant : Shri Vilakshana Singh
Respondent: School Education, Jammu.
Date of Institution: 29-03-2016
Date of Decision: 31-05-2016/
State Information Commissioner: Er. Nazir Ahmad
Decision: Appeal disposed of.

1. Brief facts of the case are that appellant filed 2nd appeal before the Commission on 29-03-2016, stating that PIO, Directorate of School Education Department, Jammu failed to provide information within stipulated time in respect of RTI application filed on 09-12-2015. That after filling first appeal, appellant received information from PIO on 19-02-2016, which is incomplete and sent after delay of more than 70 days. That first appeal filed before FAA, Directorate of School Education, Jammu on 29-01-2016, has not been decided till date. That PIO has not supplied any information in respect of points 3-6 of application on the plea that said information was to be collected from concerned CEO's. Appellant further submitted that information sought in respect of points 3-6 should otherwise be available in the Directorate of School Education, Jammu as the masters are promoted and transferred by Director, School Education and not by Chief Education Officers. Appellant has made a prayer that PIO be directed to provide complete information in respect of points 3-6 and penalty be imposed on him for causing delay in providing incomplete information. Appellant has also prayed that Director, School Education, Jammu be directed under Section 16(9)(a) of the J&K RTI Act, 2009 to keep a record of the place of postings of Masters and other employees who are promoted and transferred by the order of Director, School Education, Jammu.

2. Mr. Darshan Lal, Joint Director/FAA, Directorate of School Education, Jammu, Mr. Farrukh Qazi, Personal Officer/PIO, Directorate of School Education, Jammu and the

appellant Mr. Vilakshana Singh heard via video conferencing from Jammu office of the Commission.

3. The case was earlier heard on 03-05-2016, Mr. Farrukh Qazi, PIO, Directorate of School Education was asked to explain his absence in hearing on 03-05-2016 and also directed to file reply/counter statement to the appeal. In compliance, Mr. Farrukh Qazi, Personnel Officer/PIO, Directorate of School Education, Jammu has filed explanation/reply dated: 30-05-2016, submitting that information sought by the appellant has been provided to him vide letter dated: 19-02-2016, comprising of 45 pages. Also appeal has been decided by FAA on 24-03-2016 with direction to PIO to provide rest of the information, which has been provided to the information seeker. With regard to non-appearance of PIO before the Commission, PIO submitted that he was busy in connection with tour of Hon'ble Chief Minister to Jammu, hence could not attend the Commission. His explanation is accepted as one time exception and warned to be careful in future.

4. Appellant submitted that in respect point 3, information for Samba and Poonch Districts have not been provided to him. PIO informed that information from Samba District have been collected and shall be provided to the appellant at the conclusion of hearing. As regards information of Poonch District, FAA submitted that it shall be provided within one week. FAA further informed that all Chief Education Officers were asked to provide information to the appellant, vide letter dated: 06-02-2016. Therefore, the Chief Education Officers of Jammu Division are deemed PIOs for information in respect of this point. Therefore, Chief Education Officer, Poonch is directed to explain the delay for providing information asked for by the Director, School Education, Jammu.

5. Appellant submitted that there are discrepancies in the information already provided in respect of Districts, Jammu, Kathua and Rajouri, which have been communicated to the FAA and PIO. Therefore, PIO, Directorate of School Education is directed to cross check information and provide authenticated information.

6. In respect of point 4, appellant submitted that only list of Masters have been provided, whereas, he has sought copy of orders by virtue of which, they were directed to join at their places of postings. The plea of the appellant is upheld and PIO is directed to provide copies of said orders.

7. At point 5, Appellant has asked for date of joining of promoted Masters with S.No., which has not been provided. Commission has taken a serious note that inspite of two adjournments, PIO has not provided complete information. Therefore, PIO, Directorate of School Education, Jammu is directed to provide said information within 10 days.

8. Commission agrees with the plea of appellant that information in respect of points 3-6 should have been in the Directorate of School Education, Jammu, as promotions and transfers of masters are made by the Directorate of School Education, Jammu and not by the CEO's. Ordinarily such type of information should be placed in the public domain as it gets covered under the provisions of Section 4 of the Act. Also suo moto disclosure of information with regard to promotions and transfers would reduce the workload of public authority.

9. In view of the above, Director, School Education, Jammu is directed to put in public domain all promotion/transfer orders, which are done within the ambit of Directorate of School Education, Jammu within one month and a compliance report be filed to the Commission accordingly. Registry to mark copy of this order to Commissioner/Secretary, Education Department, Civil Secretariat, J&K.

10. With above directions and observations, the appeal filed before the Commission is disposed of.

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

No. SIC/J/A/291/2016

Dated: -05-2016

Copy to the:-

1. Commissioner/Secretary to Government, School Education Department, Civil Secretariat, J&K for information and necessary action.
2. First Appellate Authority, Directorate of School Education Department, Jammu.
3. Public Information Officer, Directorate of School Education Department, Jammu.
4. All Chief Education Officers of Jammu Division, _____.
5. Pvt. Secretary to HSIC.
6. Shri Vilakshana Singh S/o Late Jagdesh Singh Dogra R/o Sidra, By-pass, Tehsil & District Jammu (Appellant).
7. Guard file.

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