



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

File No. SIC/J/A/27/2016  
Decision No. SIC/J/A/27/2016/353

Appellant : Mr. Hafizullal Wani  
Respondent: FAA/PIO, J&K, State Finance Commission.  
Date of Institution: 22-04-2016  
Date of Decision: 04-07-2016/  
Decision: Appeal disposed of.

1. Brief facts of the case are that appellant made a request for providing information under RTI to the PIO, O/o Managing Director, J&K, State Forest Corporation on 15-09-2015, seeking information on five points regarding files damaged/submerged in the floods of September, 2014 in the head office of JKSF, details of furniture and fixture lost in the floods and cost thereof, information related to cola arrears and 6<sup>th</sup> Pay Commission arrears of the appellant. This RTI application has been forwarded by PIO to various offices under Section 5(4)(5) of the Act vide letter dated: 19-09-2015 for providing information Thereafter, first appeal has been filed before Managing Director/FAA, J&K, State Forest Corporation on 28-12-2015 on the ground "non receipt of information." The first appeal has been decided by Shri A.K.Tickoo, Managing Director/FAA, J&K, State Forest Corporation vide order dated: 18-01-2016, concluding that as per information provided by the PIO, information is still awaited from eight offices of the corporation. Accordingly, FAA has directed these offices to furnish required information to the PIO by 30-01-2016. Further, PIO has been directed to provide information received by him till date to the appellant.

2. Aggrieved of the order of FAA/PIO, 2<sup>nd</sup> appeal has been filed before the Commission on 22-04-2016, stating that even after expiry of stipulated period of 30

days, no action has been taken for issuance of information by the PIO. Also, FAA issued information on the basis of improper and irrelevant facts, which is not compatible to the queries as sought under RTI application. Appellant has requested that relevant information may be provided to him.

3. FAA has filed reply/counter statement vide letter dated: 04-06-2016, interalia submitting that first appeal received in his office on 29-12-2015 was decided on 18-01-2016 with direction to the officers, from whom information was awaited, to furnish required information to the PIO by or before 30-01-2016 for onward transmission to the appellant. PIO was also directed that information received by him in the case till date be provided to the appellant immediately and balance information from officers/offices awaited be provided to the appellant by 30-01-2016.

4. PIO has filed reply/counter statement vide letter dated: 03-05-2016, interalia submitting that information sought by the appellant in the RTI application dated: 18-09-2015 was not available in PIO's office and as such said application was forwarded to the concerned offices vide letter dated: 19-09-2015 in terms of Section 5(4)(5) of the J&K RTI Act, 2009 for providing the requisite information. That the information could not be provided to the appellant within the stipulated period of 30 days, as the same was awaited from various offices from whom information was sought. That FAA vide order dated: 18-01-2016 directed defaulting offices to furnish the requisite information by or before 30-01-2016 to enable PIO to provide the same to the appellant and in the meanwhile, PIO was directed to provide part information already received to the appellant immediately. That in compliance to the directions of the FAA, information containing 67 leaves was provided to the appellant vide letter dated: 30-01-2016.

5. During proceedings on 08-06-2016, following directions were passed by the Commission;

- i) PIO, SFC is directed inventory of furniture and fixture of the Head office lost in the floods and if no such inventory is available, an affidavit be filed before the Commission.

- ii) Director, Finance, J&K, SFC is declared as deemed PIO in respect of information at point 3,4 & 5 of the RTI application as per Section 5(5) of the Act. Accordingly, Director Finance was asked to appear before Commission along with explanation for delay in providing information and produce relevant information as per records held by him or by his subordinate offices.

6. Mr. Zahoor Ahmad Bhat, Director Finance/FAA, J&K, SFC, Mr. A.K.Naik, PIO, J&K, SFC attended hearing at Srinagar office of the Commission. Appellant, Mr. Hafizullah wani heard via video conferencing from Jammu office of the Commission.

7. In compliance to the directions of the Commission referred above and conveyed vide Commission's notice dated: 14-06-2016, PIO, J&K, SFC has provided inventory of furniture/fixture of the Head office lost in the floods of September, 2014, received from D.M. (Estate), J&K, SFC, Srinagar vide letter dated: 15-06-2016. Appellant admitted receipt of this information.

Further, in compliance to the directions of the Commission refer to herein above, Mr. Zahoor Ahmad Bhat, Director, Finance, J&K, SFC has filed reply, interalia giving reply to point 3,4 & 5 of the RTI application.

8. As per information provided, reply to point 3 is that 3557 employees have surrendered their COLA arrears whatsoever, however, actual amount surrendered on their account is not available.

In reply to point 4, Director has given details of 06 employees belonging to Jammu region, who have not surrendered their COLA arrears and related information.

Regarding information sought at point 5, Director has informed that no administrative order for calculation of arrears for in service employees has been issued till date.

9. From perusal of information provided by Director, Finance/PIO as refer herein above, it is evident that information relevant to the queries have been provided to the information seeker.

10. Since, appellant has not received copy of the reply of Director, Finance dated: 02-07-2016, Director, Finance/PIO is directed to sent copy of the same to the appellant through prescribed mode of service within one week of the receipt of this order.

11. As regards, delay in providing information, Director, Finance has filed explanation in his reply dated: 02-07-2016, submitting that information sought was not forthcoming from the records, as all the records relating to the Kashmir Division were damaged in September 2014, floods but somehow, the relevant files/records were retrieved after laying hands on the records hit by floods and which was actually lying in debris.

12. In view of the above, appeal filed before the Commission is disposed of.

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

No. SIC/J/A/27/2016

Dated: -07-2016

Copy to the:-

1. First Appellate Authority, JKSFCA.
2. Public Information Officer, JKSFCA.
3. Pvt. Secretary to HSIC.
4. Mr. Hafizullah Wani S/o Lae Mohammad Abdullah Wani R/o Firdous Abab, Sunjwan Road, Jammu. (Appellant).
5. Guard file.

(M.S.Bhat)  
Deputy Registrar,  
J&K, State Information Commission