



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

File No. SIC/J/A/68/2016
Decision No. SIC/J/A/68/2016/354

Appellant : Mr. Shamir Ahmad
Respondent : PIO PWD (R&B) Division-II Kathua
Date of Institution: 25-07-2016
Date of Decision: 01-08-2016
State Information Commissioner: Er. Nazir Ahmad
Decision: Appeal disposed of.

Brief facts of this case are that appellant filed an appeal before the Commission on 25.07.2015 on the ground that in response to his RTI application dated 08.01.2016, Xen vide letter dated 05.02.2016 denied him information stating that information sought by him is voluminous. Thereafter, First Appeal filed before SE PWD (R&B) Jammu was disposed of by virtue of order dated 18.03.2016, which the appellant has alleged as bad in law on the ground that while the PIO denied information stating that information sought is voluminous, the FAA dismissed the appeal on the ground that only available and existing information can be provided under the provisions of the Act. The plea of the appellant is that as per the reply of PIO, information is available and therefore the decision of the FAA is not based on the facts of the case and order has been passed mechanically.

Er. Uttar Kumar Sharma, PIO/Xen PWD (R&B) Division No. II Jammu and appellant Shamir Ahmad attended the hearing. PIO submitted that in reply to an earlier RTI application on the same subject, information has been given to the appellant under letter dated 21.12.2015. Xen submitted that as per earlier directions of the Commission, the appellant was provided opportunity to inspect the records which included the information now sought. However, the appellant submitted that although he attended the office, he was not provided access to the information.

The instant application has been responded to by Xen vide letter dated 05.02.2016, informing the appellant that the information is voluminous, as the same has been sought for the last two decades. He has accordingly asked the appellant to attend his office and see the records and whatever record available with them shall be provided to him on cash payment under rules.

In the present RTI application, the appellant has sought information in respect of roads of Panchayat Bain Bajalta w,e,f 1996 till date. At Point-1, the appellant wants to know under which order construction of these roads was sanctioned. Xen submitted that construction of roads are undertaken as and when these are approved by the District Development Board or under State Plan and funds provided. Accordingly, the order under which funds were initially provided is the order of sanctioned. Accordingly, Xen is directed to provide the information when funds were initially sanctioned for these roads. This information also includes information sought at point-2 i.e. certified copy of each order by virtue of which these roads were sanctioned. In respect of Point-3, Xen submitted that the schemes are sanctioned in the District Development Board meeting/by the Government under State Plan and no separate file notings are maintained at Divisional level. However, Xen shall provide copy of administrative approval, if available. At Point-4 & 5, the appellant has sought copy of bills passed for these roads. Xen is directed to provide the certified copy of latest/last bill passed for each component

of these works to the appellant. These directions should be complied within two weeks and a compliance report be filed.

Accordingly, the appeal filed before the Commission is disposed of with above directions.

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

No. SIC/J/A/68/2016-

Dated: -08-2016

Copy to the:-

1. Executive Engineer PWD (R&B) Construction Division No. II Kathua
2. Pvt. Secretary to HSIC.
3. Sh. Sahmir Ahmad S/o Ahmed Ali R/o Bain Bajhalta, Tehsil & Distt. Jammu (Appellant).
4. Guard File.

(A.K. Kotwal), KAS
Jt. Registrar,
J&K, State Information Commission