



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

File No. SIC/J/A/21/2016
Decision No. SIC/J/A/21/2016/358

Appellant : Shri Amirvir Manhas
Respondent: FAA/PIO, Health & Family Welfare, J&K.
Date of Institution: 06-05-2016
Date of Decision: 05-07-2016/
Decision: Appeal disposed of.

1. Brief facts of the case are that appellant made a request for information under RTI on 12-01-2016 before PIO, Regional Institute of Health & Family Welfare, Jammu, seeking following information;

- i) How many forms vide advertisement issued on 21-09-2015 for various posts were received by this office?
- ii) Why till date no interviews have been conducted till date?
- iii) When is the scheduled date of the interview?

This application has been responded to by FA/CAO, Nation Health Mission, J&K vide letter dated: 15-02-2016, informing the information seeker that no advertisement notice was issued on 21-09-2015 for the vacant posts by this office. However, appellant was requested to provide copy of the advertisement notice published in the newspaper for further reply. Thereafter, first appeal has been filed before Mission Director/FAA, National Health Mission, J&K on 24-02-2016 on the ground that PIO failed to provide any information. Dr. Mohan Singh, Mission Director, National Health Mission, J&K / FAA has informed appellant vide communication dated: 02-03-2016 that as verified from records, no such advertisement was issued from this office on 21-09-2015, which stands already replied vide letter dated: 15-02-2016. FAA has however requested appellant to provide copy of the advertisement notice of 21-09-2015, so that his request can be further considered.

2. Commission received 2nd appeal of the appellant on 21-04-2016 against the order dated: 15-02-2016 and 02-03-2016 and on the ground that even after filing of first appeal, no information has been provided. Appellant has prayed that PIO as well as FAA be burdened with heavy costs, as they have failed to provide me information well within the time prescribed. Appellant has further submitted that vide letter dated: 15-03-2016, he provided copy of notification so requested by the department though having been published by their own department, but till date no information was provided.

3. In compliance to the notice of the Commission, Dr. Mohan Singh, Mission Director/FAA, National Health Mission, J&K has filed reply / counter statement to the 2nd appeal on 27-05-2016 with copy to the appellant, interalia submitting that RTI application dated: 12-01-2016 was received in their office on 19-01-2016 and same was replied vide letter dated: 15-02-2016, asking appellant to provide copy of that advertisement notification regarding which he has sought information. That the first appeal filed on 24-02-2016 was reply vide order dated: 02-03-2016 and sent through mail and registered post. That on 15-03-2016, applicant submitted copy of advertisement notification regarding which information was sought was received on 19-03-2016. Accordingly, Mission Director/FAA vide letter dated: 12-05-2016 submitted reply. Therefore, reply stands submitted with the appellant and appeal does not lies and contents of appeal are thus denied.

4. Dr. Mohan Singh, Mission Director/FAA, National Health Mission, J&K attended the hearing. Appellant, Shir Amirvir Manhas did not attend hearing, although notice was issued to him to avail facility of video conferencing from Jammu office.

Mission Director/FAA submitted that appellant under letter dated: 15-03-2016 submitted a copy of advertisement notice dated: 20-08-2015 and not 21-09-2015, as referred to in his application. Therefore date of advertisement given by the appellant was wrong, as actual date of advertisement was 20-08-2015. He submitted that on receipt of copy of advertisement, information has been provided on 12-05-2016.

5. Perusal of communication dated: 12-05-2016, addressed to the appellant reveal that it is in reference to letter dated: 15-03-2016 and in response to information sought at point 1 of RTI application, appellant has been informed that 846 forms have been received by this office in reference to the advertisement. Regarding point 2 and 3, Mission Director has given response which in the opinion of the Commission is appropriate to the queries of the RTI application.

6. From facts brought on record refer to above, it is evident that the actual date of advertisement is 20-08-2015. Therefore, the reference of advertisement given by appellant in his application as 21-09-2015 is wrong.

7. Commission has observed that RTI application received on 19-01-2016 has been disposed of on 15-02-2016 and appellant has admitted receipt of said communication in the 2nd appeal filed before the Commission.

8. In view of the above, it is held that there is no merit in the appeal, as the reference on the basis of which information has been sought is wrong and misleading.

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

No. SIC/J/A/21/2016

Dated: -07-2016

Copy to the:-

1. First Appellate Authority, National Health Mission, J&K.
2. Public Information Officer, National Health & Family Welfare, J&K.
3. Pvt. Secretary to HSIC.
4. Mr. Amirvir Manhas R/o Pine House, 18-A, Bhawani Nagar, Janipur, Jammu (Appellant).
5. Guard file.

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