



Jammu and Kashmir State Information Commission

شہن ى كم شہن ى انفارم ٹى اسٹ رى كشم نڈى ا جموں
(Constituted under The Right to Information Act, 2009)

**Wazarat Road, near DC Office Jammu, 0191-2520947, 2520937
Old Assembly Complex, Srinagar, 0194-2506660, 2506661**

www.jksic.nic.in

File No. SIC/J/A/37/2016

Decision No. SIC/J/A/37/2016/359

Appellant : Mr. Haq Nawaz Nehru.
Respondents : CEO Doda.
Date of Registration : 24.05.2016
Date of Decision : 09.08.2016

1. Brief facts of the case are that appellant namely Mr. Haq Nawaz Nehru filed filed 2nd appeal under Section 16 of the J&K RTI Act, 2009 before the Commission on 11.05.2016 against CEO Doa and ZEO Gundna for non compliance of RTI Act. It is stated that he approached CEO Doda vide letter dated 27.11.2015 for information but even lapsing of stipulated time period said officers failed in getting information from his concerned ZEO which is evident from the letter of FAA. The appellant has requested the Commission to take action against both officers for non-compliance of the RTI Act.

2. As per documents enclosed with the appeal, RTI application dated 27.11.2015 addressed to CEO Doda has been forwarded by CEO Doda to ZEO Gundna, Doda on 04.12.2015 informing him that the information is related to his office and has requested ZEO to provide the information to the applicant directly on his address within stipulated time frame under intimation to his office. Copy of this communication has been marked to the appellant as well.

3. Thereafter First Appeal filed on 08.02.2016 addressed to FAA Directorate of School Education, Jammu has been disposed by Mr. Darshan Lal, Joint Director(SSA)/FAA vide letter dated 12.02.2016 with directions to CEO Doda/ZEO Gundna as under: -

"...the appeal is disposed of with the directions to CEO Doda/ZEO Gundna being (PIO's) of the respective District to provide the desired information to the information seeker free of cost within week's time positively under intimation to this office, from the date of pronouncement of this order..."

4. During proceedings on 14.06.2016 the Commission observed as under: -

"...Commission deem it proper to adjourn the case with direction to the PIO/CEO to file reply/counter statement with copy to the appellant within two weeks, along with communication under which information has been sent to the appellant".

5. Mr. Mohammad Ashraf Rather, CEO Doda heard on phone from NIC Office Doda as video-conferencing could not mature due to technical fault in the system. I/Charge NIC Doda informed that appellant did not report to the NIC Office Doda for hearing of the case.

CEO submitted that in compliance to the directions of the Commission, reply/counter statement has been filed before Commission with copy to the appellant submitting therein that RTI application received on 01.12.2015 was forwarded to ZEO Gundna vide letter dated 04.12.2015 as the information from Points 01 to 03 pertained to that office with copy to the appellant. That ZEO Gundna vide letter dated 07.06.2016 furnished the information with respect to the Points 01 to 03 of the application. Accordingly information was prepared vide letter dated 08.06.2016 and sent on the address of the appellant through Indian Post. CEO further informed that reply to Point-4 was also prepared by his office and is included in the information provided vide letter dated 08.06.2016.

6. In view of above appeal filed before the Commission is disposed of. However, there has been delay on part of ZEO Gundna who has responded to the RTI application on 07.06.2016 which was transferred to him by CEO vide letter dated 04.12.2015. Accordingly, Mr. Amar Chand, ZEO Gundna is directed to explain as to why proceedings under Section 17 of the Act shall not be initiated against him for delay in providing

assistance/information to the CEO. His explanation, if any, should reach the Commission within two weeks of receipt of this order.

S/d-
(Er. Nazir Ahmad)
State Information Commissioner

Copy to the:-

1. Joint Director SSA Jammu.
2. CEO Doda.
3. ZEO Gundna.
4. Pvt. Secretary to HSIC.
5. Mr. Naq Nawaz Nehru r/o Doda.
6. Guard file.

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