



Jammu and Kashmir State Information Commission

شہن ۛ کم شہن ۛ انفارم ٹۛ اسٹ ری کشم نڈۛ 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/9/2016

Decision No. SIC/J/A/9/2016/ 360

Appellant : Mr. Parvez Shera.
Respondents : Rural Development Department, Jammu.
Date of Registration : 18.04.2016
Date of Decision : 09.08.2016

1. Brief facts of the case are that appellant Mr. Parvez Shera filed Second Appeal against FAA Rural Engineering Wing, Jammu and PIO, REW District. Reasi stating that he filed application u/section 6 of J&K RTI Act before PIO REW District Reason dated 19.10.2015, which was returned in original by the PIO citing that he is not appointed as PIO by the Department. That appellant informed PIO REW Reasi vide letter 21.11.2015 that Director Rural Development, Jammu vide order NO. 644-RDD of 2015 dated 03.08.2015 has designated all the Executive Engineers of REW of 10 District of Jammu Division as PIO in pursuance of Section 5(1) of the J&K RTI Act, 2009. Thereafter, PIO, Executive Engineer REW, Reasi vide letter dated 02.12.2015 provided information to point 1 & 2 of the application and forwarded the application to BDOs of Mahore, Gulabgarh and Chassana with the request to provide the information to Points 3 & 4 of the application. That BDOs of these Blocks failed to provide the requisite information, appellant preferred an appeal before FAA REW Jammu dated 11.01.2016. FAA vide order dated 12.02.2016 directed PIO, Executive Engineer REW, Reasi to furnish the information directly to the appellant under intimation to his office. That despite direction from FAA, PIO has failed to provide information till date.

The appellant has requested that Commission that information requested for may be provided to him under the Act.

During proceeding on 06.06.2016, the Commission observed as under:

1. *"...FAA has filed reply/counter statement dated 16.05.2016, interalia submitting that he has passed order on the first appeal 13.05.2016. FAA submitted that PIO/Executive Engineer, REW, Reasi has provided information pertaining to his office vide letter dated 02.12.2015 to the satisfaction of the appellant, Shri Parvaiz Shera. Accordingly FAA has disposed of the appeal, directing BDO's Mahore, Gulabgarh and Chassana to provide information pertaining to their office, to the appellant as per provision of the Act. FAA has marked copy of the order to Director, RDD Jammu, ACD Reasi and concerned BDO's to provide information to the appellant with copy of the order to the appellant.*
2. *Executive Engineer, REW Reasi/PIO vide his letter dated 02.12.2015 has requested BDO, Mahore, Gulabgarh and Chassana to provide information at Point 3 and 4 of the application to the appellant directly under intimation to his office. The executive Engineer has given details of information sought at Point 3 and 4 under letter referred above. Subsequently, he has given reminders to the BDO's on 09.05.2016, in reference to the notice of the Commission dated 04.05.2016 and ask BDO's to attended his office on 12.05.2016 along with complete information and reasons for not providing information to the appellant till date.*
3. *Appellant at para 5 of the appeal has submitted that information in respect of Pont 1 and 2 has been provided by the Executive Engineer, REW, Reasi/PIO and for information in respect of Point 3 & 4, application has been forwarded to BDO's Mahore, Gulabgarh and Chassana with the request to provide information to the appellant. Therefore, BDO's Mahore, Gulabgarh and Chassana are deemed PIO's, as per Section 5(4) & (5) of the Act.*

Executive Engineer, REW, Reasi/PIO is directed to forward copy of the original RTI application to the BDO's Mahore, Gulabgarh and

Mr. Rajesh Padha, BDO Chassana, Mr. Mohammad Iqbal BDO Mahore and Mr. Subash Chander BDO Gulabgarh heard from SIC Jammu.

BDO Chassana submitted that information has been provided to the appellant vide letter dated 26.05.2016, wherein 96 bills comprising of 131 pages has been sent to the appellant through Registered Post. BDO submitted copy of this letter alongwith copy of postal receipt.

BDO Mahore submitted that information has been provided to the appellant vide letter dated 12.07.2016 with copy to the Commission alongwith reply dated 14.07.2016. This information has reportedly been received by appellant against proper receipt in the Commission on the previous date of hearing.

BDO Gulabgarh submitted that he has sent the information to the appellant under letter dated 17.06.2016 through process-server and the information was received by the appellant.

The appellant did not attend the hearing at Jammu office, although he was informed to attend the hearing vide notice dated 03.08.2016.

In view of above, the appeal filed before the Commission is disposed of. However, BDO's Mahore, Gulabgarh and Chassana are directed to explain delay in the providing information to the appellant and as to why penalty proceedings under Section 17 of the Act shall not be initiated against them, within two weeks from receipt of this order.

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

Copy to the:-

1. Superintendent Engineer REW Jammu.
2. Executive Engineer REW REAsi.
3. BDO Mahore/Chasana/Gulabgarh.
4. Pvt. Secretary to HSIC.
5. Mr. Parvez Shera r/o Channi Himmat, Jammu.

(M.S. Bhat)
Deputy Registrar,

