



**Jammu and Kashmir State Information Commission**

شہن یشن کمیتہ انفارمیر اسٹینڈ کشمیر جموں ا

(Constituted under The Right to Information Act, 2009)

**Wazarat Road, near DC Office Jammu, 0191-2520947, 2520937**

**Old Assembly Complex, Srinagar, 0194-2506660, 2506661**

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File No. SIC/J/A/47/2016

Decision No. SIC/J/A/47/2016/364

Appellant : Sh. Hukum Chand Sharma, Advocate

Respondent : FAA/Sh. Soujanya Sharma, Director, Urban Local Bodies, Jammu  
PIO/Sh. Sanjeev Kumar, Chief Executive Officer, Municipal Committee, Katra

Date of Registration : 31.05.2016

Date of Decision : 10.08.2016

**1. Brief Facts:**

Brief facts of the case are that Appellant submitted an application under RTI Act dated: 13.01.2016 through registered post before PIO/Executive Officer, Municipal Committee, Katra . As no response was received from PIO, the appellant filed First Appeal before FAA/Director, Urban Local Bodies, Jammu on 25.02.2016 (delivered on 25.03.2016) which was disposed of by FAA vide order dated: 18.03.2016, with the directions to the Chief Executive Officer (PIO), Municipal Committee, Katra to furnish the available information under rules upto 10<sup>th</sup> of April, 2016, under an intimation to that office, but the desired information has reportedly not been supplied to him.

The appellant has filed second appeal stating that he received a letter dated: 31.03.2016 (dispatched on 09.04.2016) by post addressed to one Sh. Chuni Lal, Head Assistant/Secretary attached with the Director, Urban Local Bodies, Jammu directing the concerned to hand over the record to PIO which is not understandable as it is not related to the appeal. The appellant has alleged that PIO is deliberately not providing the information by this or that way and has sent a back dated signed copy of letter on 09.04.2016.

## **2. Proceedings:**

The Commission vide order dated 28.06.2016, issued interim directions to respondents to intimate the Commission action taken by Director, Urban Local Bodies, Jammu on the communication of Chief Executive Officer, Municipal Committee, Katra dated: 31.05.2016. Director, Urban Local Bodies, Jammu was further directed to file report to the Commission regarding action taken against the said official for non compliance as per notices issued to him from time to time and latest on 24.06.2016. Further, Director, Urban Local Bodies, Jammu was asked to take note of the allegations made by appellant and enquire into them.

In compliance to the directions of the Commission PIO/Sh. Sanjeev Kumar, Chief Executive Officer, Municipal Committee, Katra has filed compliance report dated: 16.07.2016 with copy to appellant, interalia, submitting that vide communication dated: 09.07.2016, he again put up the matter with Director, Urban Local Bodies, Jammu with the request that the information required in the case is still awaited from the concerned employee. That the Director, Urban Local Bodies, Jammu vide his communication dated: 12.07.2016, directed him to proceed against the official under rules if the concerned official has not handed over the record. That in compliance to the directions of Director, Urban Local Bodies, Jammu he again directed the concerned official namely Sh. Chuni Lal,

Head Assistant, presently attached with the office of Director, Urban Local Bodies, Jammu vide letter dated: 16.07.2016, to provide the entire record of the Committee to the office of PIO so that requisite information can be provided to the applicant. That in compliance to communication dated: 16.07.2016, the concerned official namely Sh. Chuni Lal, Head Assistant vide his communication dated: 16.07.2016 has, however, provided the photo copies of the record/information pertaining to the case of applicant. That based on the information provided by the concerned official on 16.07.2016, the PIO has provided the requisite information sought by the applicant namely Sh. Hukam Chand Sharma, Advocate vide his application dated: 12.01.2016, in respect of Para 1 to 5. The PIO further prayed that the requisite information as per the available record provided by the concerned official has been provided to the applicant and as such the appeal may kindly be disposed of accordingly.

Similarly FAA/Sh. Soujanya Sharma, Director, Urban Local Bodies, Jammu has filed compliance report dated: 20.07.2016, interalia, submitting that vide letter dated: 12.07.2016, CEO, MC, Katra has been directed to proceed against the official under rules and if required lodge FIR against him, if the official has not handed over the records till date. A copy of this communication has been enclosed.

Appellant Sh. Hukam Chand Sharma, Advocate submitted that he has received the information as referred to in the compliance report of the PIO/CEO, MC, Katra. He however submitted that following information has not been provided:

- (i) Appointment Order of Sh. Gulshan Kumar working as Peon in the office of Municipal Committee, Katra.
- (ii) Service Book of Sh. Gulshan Kumar.

### **3. Conclusion:**

The Commission is of the view that entries in the Service Book are a matter between an employee and the employer and, therefore, Service records cannot be provided to him. However, the copy of Appointment Order being a public document, can be accessed by the appellant. In this connection PIO submitted that the file pertaining to the official has been submitted to Housing & Urban Development Department vide letter dated: 29.05.2013 (Copy enclosed). Director, Urban Local Bodies submitted that entire record of the Housing & Urban Development Department has been washed away in the floods of September, 2014 in the Civil Secretariat, Srinagar as the Housing & Urban Development Department was housed in the ground floor. However, the Commission is of the view that copy of an order of the official can be obtained from the Service Book and also as per Service Conduct Rules, the controlling officer has powers to direct concerned official to provide copy of said order from his personal records.

In view of the above, appeal filed before the Commission is disposed of with directions to Director, Urban Local Bodies, Jammu/Chief Executive Officer Katra to take up the matter with PIO, Housing & Urban Development Department under provisions of section 6(3) of the Act to get the copy of order or otherwise from them. Besides, the official be directed to provide a copy of appointment order from his personal records and inform appellant within 02 weeks thereafter.

The appeal is accordingly disposed of with above directions.

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

**File No. SIC/J/A/41/2016**

Dated: -08-2016

Copy to the:-

1. FAA/ Director, Urban Local Bodies, Jammu
2. PIO/ Chief Executive Officer, Municipal Committee, Katra
3. Pvt. Secretary to HSIC.
4. Sh. Hukum Chand Sharma, R/o D-75, Upper Shiv Nagar, Jammu
5. Guard File.

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