



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

File No. SIC/K/SA/70/2016  
Decision No. SIC/K/SA/70/2016/**62**

Appellant : Peer Mushtaq Ahmad  
Respondent : FAA/PIO Electric Division Budgam  
Date of Institution: 08-06-2016  
Date of Decision: 27.10.2016

Brief facts of the appeal are that the appellant filed Second appeal in the Commission on 08.06.2016 against PIO/Xen ED Budgam and FAA Power Development Department on the ground that he filed an application on 20.02.2016 before PIO through registered post, but even after the expiry of statutory period specified in the RTI Act, no communication/information was received by him from PIO. Thereafter he filed First appeal before FAA against inaction of PIO on 04.04.2016, that FAA instead of disposing of the First Appeal denied to provide the information by keeping silence. That later on he was intimated by PIO through telephonic communication to deposit Rs 420/- as Photostat charges. That he received information from PIO consisting of 41 leaves vide letter dated 25.04.2016 which was incomplete vague and wrong. That regarding point No.(i) of RTI application, only partial wise details were provided and with respect to point No (ii) and (iii) no information was provided. In prayer of appeal, the appellant has requested the Commission to direct concerned PIO to provide him the information sought in terms of the RTI application besides fine may be imposed upon PIO for his

inaction. Further, an enquiry regarding extra fee (Rs 420) for 41 leaves of information charged by PIO be initiated against him.

In compliance to the notice of the Commission dated 13.10.2016, Mr. Mohammad Maqbool Technical Officer to Xen ED Budgam and appellant Peer Mushtaq attended the hearing. Technical Officer to Xen submitted that Xen could not attend the Commission as he is outside station on leave.

During proceedings in the Commission on 05.07.2016, directions were issued to the PIO regarding incomplete information as pointed out by the appellant. Technical to Xen submitted that they did not receive the notice of the Commission dated 21.07.2016 and therefore the response could not be given. Technical officer submitted that information for 250 KVA transformer at Check Fateh Din is available and produced the same before the Commission. As regards information at Point-ii of notice dated 21.07.2016, appellant pleaded that there are two transformers at Gund Check Pora, whereas the information for only one transformer has been provided (designated as T1). However, information in respect of another transformer (T2) has not been provided. The appellant submitted that in fact he wants information in respect of T2 in the same village and same locality. AEE submitted that the two transformers could be identified only on the basis of its specific location or name of consumers. In this connection, the appellant provided name/particulars of some consumers who are drawing power from transformer T2. Accordingly, PIO/Xen Budgam is directed to verify from records the transformer to which these consumers are connected and provide information accordingly.

As regards information at Point-ii Technical officer produced copy of letter dated 18.04.2016 from AEE to Xen. However, the appellant denied receipt of this letter. This letter was perused in the Commission and appellant pointed out that relevant order copies of the officials posted on these stations/locality is not enclosed.

In view of the above PIO/Xen is directed to provide copy of letter dated 18.04.2016 an order copy of present staff posted at these localities.

At Point-iii the appellant has sought justification regarding violation of State Transfer Policy and the reasons as why the officials in question are posed at one place for prolonged. Reply to this is included in the letter dated 18.04.2016 to the extent of

tenure of employees. However, giving justification/reasons for a certain Act of the Government/Department is not covered in the definition of information.

As per documents with the appeal, the RTI application dated 20.02.2016 has been sent through post on the same date. The PIO has given response vide letter dated 25.04.2016 in reference to an application dated 04.04.2016. The appellant submitted that letter dated 4.04.2016 as referred to by the PIO in his letter dated 25.04.2016 is in fact the First appeal as referred to Para 4 of his Second appeal. It is therefore evident that RTI application has not been responded to within the period prescribed under the Act. Thus the information seeker is entitled to information free of cost. Accordingly, PIO is directed to reimburse an amount of Rs 420/- deposited by the appellant. Further, Xen is directed to file compliance report of the directions referred to here in above. He will also explain the delay in responding to the RTI application dated 20.02.2016, which has been sent to him through Indian Post as per copy of postal receipt submitted before the Commission, which should reach to this Commission two weeks after the receipt of this order.

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

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

Copy to the:-

1. PIO/Executive Engineer Electric Division Budgam
2. Technical Officer to Xen ED Budgam
3. Pvt. Secretary to HSIC.
4. Sh. Peer Mushtaq Ahmad R/o Poshwan Colony Gund Checkpora Stop near Bhat Medical Hall, Kanipora (Appellant).
5. Guard File.

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