



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

File No. SIC/K/Comp/04/2016
Decision No. SIC/K/Camp/04/2016/**63**

Appellant : Pir Zaheer-Ud- Din
Respondent : DFO Kehmil Kralpora Kupwara
Date of Decision: 27.10.2016

Brief facts of this case are that complainant Pir Zaheer-ud-Din filed a complaint on 11.03.2016 against DFO Kralpora regarding sale and distribution of timber at TSD Hirri, Bategam and Tikker since 2013 under RTI Act. The complaint has been filed on the ground that he submitted an application on 28.1.2015 to DFO Kralpora Kupwara for seeking information regarding sale and distribution of timber at TSD Hirri, Bategam and TSD Tikker since 2013 under right to information act. That the said officer has not given any answer of his application till date. Accordingly, the appellant has requested the Commission to take action into the matter.

In reply to the notice of the Commission Mr Riyaz Ahmad Gul DFO Kehmil Kralpora filed reply dated 27.04.2016 inter alia submitting that an application was received by his office on 23.12.2015 jointly signed by two persons namely Pir Zaheer-ud-Din S/o Mohd. Noor-u-Din R/o Herri Payeen and Mohammad Syeed Pir S/o Habibullah Pir R/o Hirri Payeen. Accordingly, his office sought requisite information from the Range Officer and after verification provided the same to the applicant through concerned Block Officer (Photocopy enclosed). That as per the written statement of concerned Block Officer, the information has been handed over to information seeker namely Mohd. Syeed Pir S/o Habibullah Pir R/o Hirri Payeen on proper receipt on 17.0.2016 with the

request to share the information with the other information seeker also. Meanwhile, his office also sent the said information to the information seeker namely Pir Zaheer-ud-Din S/o Noor-ud-Din R/o Hirri Payeen through Registered Post (copy enclosed). In view of the facts stated here-in-above, the DFO has requested the Commission to drop the proceedings initiated against him.

As per documents enclosed with the reply, the RTI application of the appellant has been responded to by DFO vide letter dated 13.01.2016 addressed to both information seekers. In the said reply DFO has given point wise reply to all points of RTI application. This information is shown as received by the appellant Shri Mohd. Syeed Pir. Thereafter, the information has also been sent to Pir Zaheer-Ud-Din through registered post under No.ARE8317053691N of 28.04.2016.

As per provisions of the RTI Act, the right to seek information lies with the person and the PIO is required to give a response to that person only. In the instant case, the RTI application signed by two persons and DFO has provided information to one of the persons i.e., Mohd. Syed Peer within the period of 30 days from the date of receipt of application by him. Therefore, the response of the PIO is in accordance with the provisions of the Act. Further, he has also forwarded the information to other information seeker through prescribed mode of services, although as per provisions of the Act, he was not required to send the information again to another person.

With regard to non-appearance before Commission on 11.05.2016, PIO vide his reply dated 27.10.2016 submitted that notice of the Commission dated 02.05.2016, through which he was informed to appear before Commission on 11.05.2016, was received in his office on 20.05.2016 i.e., after the date of hearing. As such, he could not attend the Commission on 11.05.2016.

In view of the above, the Commission has not found any merit in the complaint and is dismissed.

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

No. SIC/K/Comp/04/2016-

Dated: -10-2016

Copy to the:-

1. PIO/DFO Kehmil Forest Division Kralpora Kupwara
2. Pvt. Secretary to HSIC.
3. Sh. Pir Zaheer-U-Din S/o Mohammad Noor-ud-Din R/o Hirri Payeeen Kupwara (Appellant).
4. Guard File.

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