



**Jammu and Kashmir State Information Commission**

شہنیشن کمیٹی انفارمیری اسٹیٹسٹ کشمیری 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/24/2016

Decision No. SIC/J/A/24/2016/375

Appellant : Sh. Shiv Shanker Sharma

Respondent : FAA/Superintending Engineer,  
Hydraulic Circle, Kathua  
PIO/Executive Engineer,  
PHE, Div. Kathua.

Date of Registration : 06.05.2016

Date of Decision : 31.08.2016

**Brief Facts:**

The appellant Sh. Shiv Shanker Sharma filed 2<sup>nd</sup> appeal stating that he moved an application under RTI Act seeking some information through registered post on 09.10.2015 before PIO-cum-Executive Engineer, PHE Division, Kathua. That PIO provided some information vide his communication dated: 27.02.2016, which was not as per the subject of his RTI application.

Aggrieved by the response of the PIO, he filed First Appeal before the First Appellate Authority through registered post on 26.12.2015 which was adjudicated ignoring the contentions of the appellant vide letter dated: 03.03.2016.

In view of the above, appellant has requested the Commission to pass directions to the concerned PIO for supplying of the requisite information. He has further requested that both PIO & FAA be dealt with in accordance with the provisions of the RTI Act, 2009.

**Proceedings:**

During proceedings on 08.08.2016, the Commission observed that respondents FAA & PIO have not filed reply/counter statement as was directed vide notices dated: 20.05.2016 and dated: 02.08.2016. Accordingly, the case was adjourned with the directions to FAA and PIO to file counter reply to the 2<sup>nd</sup> appeal with copy to the appellant within 10 days.

During proceedings on 31.08.2016, Sh. Sumeet Kumar Puri, Executive Engineer, PHE Division, Kathua and appellant Sh. Shiv Shanker Sharma heard via video Conferencing. In the 2<sup>nd</sup> appeal filed before the Commission, the appellant has contested the communication of the PIO dated: 27.02.2016 which has been given in reference to the issues raised in the First Appeal filed before Superintending Engineer, Hydraulic Circle, Kathua-cum-FAA and forwarded to Executive Engineers PHE Civil/Mechanical Division Kathua vide letter dated: 04.02.2016.

On perusal of the information given by the PIO vide letter dated: 10.11.2015 in reference to RTI application dated: 14.10.2015, and further reply given by PIO vide letter dated: 27.02.2016, in reference to communication of the Superintending Engineer dated: 04.02.2016, the Commission has observed that:

- a) With regard to information sought at point 1, Executive Engineer has given the list of 116 ITI workers and stated that the same has been communicated to the higher authorities. However, the appellant has

contested this by stating that figures disclosed by Planning Department and Chief Engineer's office shows only 65 and, therefore, these figures do not match. As per provisions of the RTI Act, Executive Engineer is required to provide information as is available on record, which he has given. The Commission, therefore, directs the Executive Engineer to provide list of 116 workers indicating date of engagement alongwith communication under which this list has been forwarded to the higher authorities.

- b) The information given by the Executive Engineer at point 3 of the RTI application has been contested on the ground that while on the one hand PIO claimed that he has not engaged any ITI trained worker from the year 2007-2015, but the list of ITI workers provided by Executive Engineer includes workers engaged from 2007-15. In the communication dated: 27.02.2016, Executive Engineer has clarified that as per Cabinet Decision 116/4 dated: 11.05.2006 and notification vide Government Order No. 239 of 2005 dated: 29.11.2005 department is authorized to engage casual/seasonal labour. Executive Engineer submitted that while giving response to this point in his letter dated: 10.11.2015, documents as per record have not been annexed. He further reiterated that the total number of casual labourers engaged is only 116.

Accordingly, Executive Engineer is directed to give a correct reply to para 3 of the RTI application, as per record, indicating list and number of casual labourers engaged vide Government Order No. 116/4 and seasonal labourers engaged vide Government Order No. 239 of 2005 dated: 29.11.2005.

The above directions of the Commission should be complied with within 02 weeks by giving correct and true information supported with records to the appellant. The Executive Engineer is further directed to provide copy of Cabinet Decision No. 116/4 and Government Order No.239 of 2005 to the appellant.

The appeal is accordingly disposed of with above directions.

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

No: SIC/J/A/24/2016

Date: .2016

Copy to:

1. FAA/Er. Ashok Gandotra, Superintending Engineer, Hydraulic Circle Kathua.
2. PIO/Er. Sumeet Kumar Puri, Executive Engineer, PHE Division, Kathua for compliance.
3. Appellant/Sh. Shiv Shanker Sharma, R/o. Village Karayara, P.O. & Tehsil: Hiranagar, Pin Code: 184142.

**(Sheikh Fayaz Ahmad)**  
Registrar  
J&K State Information Commission