



Jammu and Kashmir State Information Commission
(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/K/SA/07/2017
Case No. SIC/K/SA/07/2017/**01**

Appellant : Sh. Abdul Majeed Zargar
Respondent : PIO O/o Deputy Commissioner
Srinagar
Date of decision : 17-04-2017
Decision : Appeal disposed of.

I. Brief facts of the case.

This appeal has arisen out of an application dated 20-09-2016 filed by Shri Abdul Majeed Zargar seeking information regarding the report submitted by Deputy Commissioner, Srinagar to the Vigilance Department in response to the query from the Vigilance Department.

From perusal of records placed before Commission it transpires that PIO, O/o Deputy Commissioner, Srinagar has forwarded the RTI application of Sh. Abdul Majeed Zargar to Tehsildar, Central, Shalteng, for doing the needful. Due to lack of response from the PIO, the appellant filed 1st Appeal before the First Appellate Authority, O/o Deputy Commissioner, Srinagar on 27-10-2016, which was also forwarded to the Sub-Divisional Magistrate, West, Srinagar, who also

could not provide the information asked by the appellant. Subsequently, appellant came in 2nd appeal to the State Information Commission on 27-01-2017. However, on scrutiny the 2nd appeal was found to be deficient which was got completed by the appellant on 27-02-2017 and also the appellant placed before the Commission the copy of representation made to the Vigilance Department that was reportedly forwarded to the Deputy Commissioner, Srinagar by the Vigilance Department regarding which the information was sought by the appellant as to the response of the D.C, Srinagar.

II. Proceedings before the Commission.

After having gone through the records on file it became clear that the PIO O/o Deputy Commissioner, Srinagar to whom the original application was submitted should have provided the information to the appellant instead of forwarding it to Tehsildar, Shalteng and SDM, West, Srinagar because the said information did not relate either to Tehsildar, Shalteng or SDM, West, Srinagar. The report from the Deputy Commissioner to Vigilance Department in response to the Vigilance queries was to be prepared and made available by the D.C Office itself as it was not expected that Vigilance Department will accept a report from the Tehsildar or SDM, West on behalf of D.C, Srinagar. In any case, the best way to deal with the application by PIO of D.C Office, Srinagar was to collect information from subordinate offices and then submit the same to the Vigilance Department the copy of which was being asked by appellant through his RTI application to PIO, D.C, Office, Srinagar.

III. Decision:

Therefore, in terms of Section 16 of J&K RTI Act, 2009, PIO O/o Deputy Commissioner, Srinagar and FAA Deputy Commissioner Office Srinagar, are directed to provide the requisite information to the Appellant i.e copy of report sent to

Vigilance Department. This may be done within a period of 01 month positively. A warning is also issued to PIO O/o Deputy Commissioner, Srinagar to be careful in future. The appeal is accordingly disposed of.

Sd/-
(Khurshid A Ganai) IAS, Retd.
J&K State Chief Information Commissioner

No. SIC/K/SA/07/2017/

Dated: -04-2017

Copy to the:-

1. FAA/ADC-Srinagar
2. PIO/ACR Srinagar
3. SDM West Srinagar
4. Tehsildar Central Shalteng
5. Pvt. Secretary to HCIC.
6. Sh. Abdul Majeed Zargar 5 Shahi Hamdan Lane Umar Abad Sector 2nd
Zainakote Srinagar
7. Guard File.

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