



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/08/2017
Case No. SIC/K/SA/08/2017/**05**

Appellant : Sh. Abdul Majeed Zargar
Respondent : PIO Tehsildar Shalteng, Srinagar.
Date of decision : 17-04-2017
Decision : Appeal disposed of.

I. Brief facts of the case.

The appellant Shri Abdul Majeed Zargar has filed 2nd appeal before the Commission on 27-01-2017 against First Appellate Authority (FAA)/Public Information Officer (PIO) O/o Deputy Commissioner, Srinagar and Tehsildar Shalteng. The appellant in 2nd appeal has stated that his RTI application filed before PIO O/o Deputy Commissioner, Srinagar was forwarded to Tehsildar Shalteng and in the mean time another RTI application regarding same information was moved before the Tehsildar Shalteng on 28-09-2016. Tehsildar Shalteng forwarded the application to Tehsildar, South, Srinagar and latter vide letter dated 10-01-2017 provided him incomplete information and no further information as sought for was provided to him. The appellant has requested the Commission to impose penalty on the PIO with directions to provide the requisite information.

On scrutiny of documents of the 2nd appeal, deficiency was noticed which the appellant made up on 27-02-2017 by placing before the Commission the copy of the grievance against Revenue authorities of District Srinagar dated 27-01-2016 addressed to Deputy Commissioner, Srinagar, regarding which the information was sought.

On perusal of records of the file it transpires that appellant had filed RTI application before PIO O/o D.C Srinagar on 20-09-2016 for seeking information regarding action taken and other details pertaining to grievance application dated 27-01-2016 that was submitted before Deputy Commissioner, Srinagar. PIO O/o D.C, Srinagar has forwarded the application to Tehsildar, Shalteng vide letter dated 29-09-2016. Thereafter, information seeker has filed 1st appeal before Additional Deputy Commissioner, Srinagar on 27-10-2016. Later on Tehsildar Shalteng to whom the RTI application under consideration was forwarded by PIO, O/o Deputy Commissioner, Srinagar has asked Tehsildar, South, Srinagar vide letter dated 13-12-2016 to make available the requisite information sought by the applicant for onward transmission to him on the grounds that the requisite information was still lying with Tehsildar (South) as the area was earlier part of Jurisdiction of Tehsildar (South). Tehsildar South, Srinagar vide letter dated 10-01-2017 provided part of the information to the appellant directly.

II. **Proceedings before the Commission.**

While going through the RTI application of the information seeker under consideration in the 2nd appeal it becomes clear that the applicant in his original RTI application had sought information from the Revenue authorities of District Srinagar. Since the said grievance was

addressed to Deputy Commissioner, Srinagar and as such, the PIO O/o deputy Commissioner, Srinagar should have disposed of the application himself by taking assistance of any other official in pursuance to section 5(4) of J&K RTI Act, 2009 instead of forwarding it to Tehsildar, Shalteng.

III. **Decision:**

Therefore, in terms of Section 16 of J&K RTI Act, 2009, PIO O/o Deputy Commissioner, Srinagar is directed to dispose of the RTI application in terms of provisions of J&K RTI Act, 2009 and collect and provide the givable information in terms of the Act to the information seeker within the stipulated period as provided under the Act.

The appeal is accordingly disposed of.

No. SIC/K/SA/08/2017/

Dated: -04-2017

Copy to the:-

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

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