



Jammu and Kashmir State Information Commission

شنیشن کمیٹی انفارمیری اسٹیٹوٹ 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

www.jksic.nic.in

File No. SIC/CO/SA/437/2017

Decision No. SIC/CO/SA/437/2017/950

Appellant : Sh. Hamid Ali

Respondent : First Appellate Authority (FAA)/
Public Information Officer (PIO), J&KSSB, Srinagar.

Date of Decision : 09.05.2017

Brief Facts:

The appellant filed RTI application dated: 22.09.2016 with PIO, J&K SSB seeking information on 05 points with regard to appointment of Junior Assistants of District cadre Ganderbal in response to notification No. 06 of 2015 dated: 01.09.2015. The PIO didn't dispose of his RTI application resulting in filing of First Appeal on 26.10.2016 which also did not result in provision of the requisitioned information. Subsequently, the appellant approached the J&K State Information Commission in 2nd appeal with the request to get him the requisite information provided from the respondents.

Proceedings:

The 2nd appeal admitted on 16.01.2017 came up for hearing before the J &K State Information Commission on 22nd of March, 2017. The PIO of the J&KSSB Shri Ab. Rashid Dar and Peer Mohd. Shafi, Incharge RTI Cell, J&KSSB attended the hearing. PIO submitted that he was not able to respond to the appellant's request for information in view of non-provision of information from his own office, as the information was lying with Sh. Ishwar Dutt, Section Officer (Administration)/APIO who was repeatedly requested to provide the said information but without any success as the said S.O. did not provide the information.

After hearing, the CIC vide his interim order dated: 22.03.2017 provided an opportunity to the PIO Sh. Abdul Rashid Dar and APIO Sh. Ishwar Dutt to present their defense in writing before the Commission before or on the next date of hearing. They were also given an opportunity to be heard personally on the said date. This opportunity was provided to them before initiation of action for imposition of penalty under section 17 of the Act.

During hearing on 09.05.2017, Sh. Ishwar Dutt, Section Officer/APIO and Sh. Peer Mohd. Shafi, Senior Assistant, SSB made their appearance before the Commission. They were heard at length.

Decision:

This 2nd appeal has been caused clearly by refusal by the J&KSSB in providing the information to the appellant, as asked for by him, regarding the selection as a Junior Assistant in the District Cadre Ganderbal. The appellant had asked for the Xerox copies of the original awards, Type Test Papers and Type Test

Copy and details of points/marks given by the Board Members. This information is yet to be provided although, the Board has reversed its earlier decision of not selecting the appellant by now issuing a fresh order of selection in the month of April, 2017 when the 2nd appeal proceedings were underway in this Commission. Notwithstanding the new selection order, the PIO who attended the hearing is directed to provide the information as asked for by the appellant through his first application to the PIO, SSB within a period of two weeks.

In the last order of this Commission, the PIO Sh. Abdul Rashid Dar and S.O. Administration Sh. Ishwar Dutt were found fit to be proceeded against for imposition of penalty under section 17 of the J&K RTI Act, 2009 and, therefore, were provided an opportunity to defend themselves both in writing as well as through personal hearing. Whereas, Sh. Abdul Rashid Dar/PIO has retired from Government Service, Sh. Ishwar Dutt, S.O. Administration attended the hearing today. He didn't produce anything in writing in defense but stated that he was not able to give the requisite information to the PIO as the records were in the custody of record keepers.

The S.O. Sh. Ishwar Dutt was heard in detail and it was found that this defense about records being with the record keepers and not with him is superfluous and only a weak pretext for refusing to provide the information. It was also felt and understood from the records and from the statements of other officials who attended the hearing that there was no clear dereliction of duty on the part of the PIO Sh. Abdul Rashid Dar (now retired) as he had repeatedly sought the assistance from the APIO Sh. Ishwar Dutt (S.O.) but there is inexplicable delay on the part of S.O. Administration Sh. Ishwar Dutt to provide the requisite information to the PIO to enable the said PIO to provide the information to the RTI applicant. The S.O. could not produce any documentary evidence to show that the

record keepers or any other official of the SSB had not heeded his request for provision of requisite information. It was also revealed that about 145 files of RTI applications had been forwarded to the said S.O. and an overwhelming majority of them were still pending due to lack of appropriate action and response from the said S.O. Notwithstanding this, a final opportunity is provided to the S.O. Sh. Ishwar Dutt to submit his defense in writing alongwith documentary evidence, if any, in support of his contention within 15 days from the date of receipt of this order.

The case is accordingly disposed of subject to the above directions.

Registry is directed to fix the date of hearing in the penalty proceedings.

Sd/-

(Khurshid A. Ganai) *IAS Retd.*
Chief Information Commissioner
J&K State Information Commission
Dated: .05.2017

No: SIC/CO/SA/437/2017_____

Copy to:

1. FAA, J&K Service Selection Board, Srinagar.
2. PIO, J&K Service Selection Board, Jammu.
3. APIO/Sh. Ishwar Dutt (S.O. Adm.), J&K Service Selection Board, Srinagar.
4. Appellant/Sh. Hamid Ali, S/o. Sh. Ali Mohammad Rather, R/o. Repora, Lar Ganderbal, Pin: 191131.
5. Office file.

(Skeikh Fayaz Ahmad)
Registrar
J&K State Information Commission

