



Jammu and Kashmir State Information Commission

شہن یشن کم یٹ انفارم ی ر اس ٹ ی ن ڈ کشم ی 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/K/SA/04/2017

Decision No. SIC/K/SA/04/2017/09

Final Order

Appellant : Sh. Tariq Ahmad

Respondent : First Appellate Authority (FAA)/
Public Information Officer (PIO)
Srinagar Municipal Corporation (SMC) Srinagar

Date of Registration : 04.02.2017

Date of Decision : 31.05.2017

Brief Facts:

Brief facts of the case are that the appellant Shri Tariq Ahmad filed 2nd appeal before the Commission on 16.01.2017 against First Appellate Authority (FAA) / Public Information Officer (PIO) Srinagar Municipal Corporation (SMC) Srinagar. The appellant has alleged that PIO SMC has failed to respond to his RTI application filed before him on 19.10.2016 within the stipulated time. Against inaction of the PIO, the appellant filed First Appeal before the FAA on 25.11.2016. The FAA did not respond to his First appeal even after the stipulated time period prescribed for disposal. The appellant has requested the Commission to impose

penalty, take strong action against FAA/PIO SMC Srinagar to compensate him with directions to provide him the requisite information .

As per the contents of the 2nd appeal, the appellant vide RTI application dated 19.10.2016 has sought information on 17 queries enumerated in his application from PIO SMC Srinagar. Against the failure of PIO to respond to the RTI application within the stipulated time, the appellant filed First appeal before FAA on 25.11.2016. The FAA also did not dispose of the First Appeal and accordingly the appellant has filed the instant 2nd Appeal. On scrutiny, some deficiencies were found in the 2nd appeal which the appellant got completed on 04.02.2017 and accordingly his 2nd appeal was admitted.

Proceedings:

The 2nd appeal was initially listed for hearing before the Commission on 03.04.2017, however, the case could not be heard in view of the request received from PIO, SMC for postponement of the date of hearing on the grounds that he has been assigned election related duty as Nodal Officer. The appellant attended the Commission on the scheduled date and agreed to put forth his arguments on the next date of hearing. The Commission acceded to the request of the PIO and adjourned the hearing. The case was again listed for hearing before the Commission on 08.05.2017 and following interim directions were issued:

1. *The PIO SMC is directed to take assistance of any other officer in pursuance to Section 5(4) of the J&K RTI Act and collect the information from the concerned quarters and provide the same to the appellant within three weeks from issuance of this order.*
2. *If any SMC Officer to whom a reference is made under Section 5(4) fails to provide the assistance as sought by the PIO, the PIO is free to bring*

the same to the notice of the Commission/CIC for action under Section 17 of the J&K RTI Act, 2009 read with Section 5(4) of the same Act.

Decision:

Shri Hilal Ahmad Deewani Secretary/ Public Information Officer (PIO) SMC attended the hearing however, the appellant did not appear for hearing.

During hearing, the PIO informed that they have provided all the information to the appellant in terms of the provisions of the interim orders of the Commission issued on 8.5.2017.

In view of the submission of the PIO that full information has been provided to the appellant, the 2nd appeal filed before the Commission is disposed of.

Registry is directed to send a copy of this order to the appellant through registered post.

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

No: SIC/K/SA/04/2017_____

Dated: 31 .05.2017

Copy to:

1. FAA/Commissioner SMC Srinagar
2. PIO/SMC Srinagar

3. Appellant/Sh. Ab. Majid Gurgroo R/o 150 Gole Market Karan Nagar near Govt. Girls High School Srinagar
4. Office file.

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