

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/CO/SA/448/2017
Case No. SIC/CO/SA/448/2017/957

Appellant : Sh. S. Kumar.
Respondent : Public Information Officer (PIO)/First Appellate Authority (FAA) JK PSC.
Date of decision : 31-05-2017
Decision : Appeal disposed of.

I. Brief facts of the case.

Briefly the facts of the case are that the appellant as a bonafide resident of the State while exercising his Right to Information filed RTI application dated 17-09-2016 with PIO, JKPSC seeking variety of information in (12) points. PIO while disposing of the RTI application on 20-10-2016 informed the appellant that requisite information cannot be provided in view of the matter being sub-judice in the Hon'ble Court in the case titled Subam Sharma v/s State & ors. Aggrieved by the reply of the PIO, appellant filed 1st appeal on 21-10-2016 before FAA concerned which was never disposed of by the FAA.

Accordingly, the appellant approached the Commission by filing 2nd appeal which was received in the Commission on 21-02-2017.

II. Proceedings before the Commission on 31-05-2017.

The case came up for final hearing before the Commission on 31-05-2017. The hearing was attended by Sh. Ishtiyaq Ahmad, PIO and the appellant was heard through video conferencing from Jammu office of the Commission.

The appellant accepted receipt of information except pertaining to Para-4 (Appointment order of B B Katoch, Ravinder Verma, Shahaid Khan and Mr Javaid), Part information under Para-5 regarding amount generated from 01.04.2009 to 31.07.2016 and expenditure made thereof, Para-8 regarding guideline rules under which the PSC has engaged retired officials as consultants and Para-12 regarding entitlement of refreshment charges to the employees of the PSC.

The PIO submitted a copy of the letter addressed to Shri Kumar by the PIO dated 14.02.2017 and also another letter No. PSC/Adm/31/2016 dated 21.2.2017 regarding Revenue generated through sales of forms and other sources during the year. The letter dated 14.02.2017 gives point wise reply to the applicant Shri Kumar and has enclosed certain information as Annexure "A", Annexure "B" and Annexure "C".

From the perusal of documents submitted by the PIO through which information has been provided to the applicant, it is clear that full information as asked for by the applicant has not been provided and therefore, the PIO will have to collect the balance information and provide the same to the applicant.

Decision:

From the perusal of documents and after hearing the appellant and the respondents, it is clear that part or full information is yet to be provided in respect of Para-4, Para-5 and Para-12. Information as requisitioned be provided by the PIO within a period of one month from the date of receipt of this order in terms of the Act and the

rules. The appellant complained that if the website of the J&K PSC had been upgraded /updated with latest information, there would have been no occasion for the applicants like him to resort to RTI applications. He stated that the J&K PSC has not fully complied with the provisions of Section-4 of the J&K RTI Act. 2009.

In view of the observations of the appellant, the J&K PSC/Public Authority is advised to look into the matter and ensure compliance with the provisions under Section-4 of the J&K RTI Act, 2009.

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

No: SIC/CO/SA/448/2017_____

Dated: 05.06.2017

Copy to:

1. FAA/Secretary J&K PSC Srinagar
2. Public Information Officer/Under Secretary J&K PSC Srinagar
3. Appellant/Sh. S Kumar S/o M/S Kashmir Type Writers, Mubark Mandi, Old Sectt. Jammu
4. Office file.

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