



Jammu and Kashmir State Information Commission

شنیشن کمیٹی انفارمیشن ری اسٹیٹوٹ آف کشمیر 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/J/A/03/2017

Decision No. SIC/J/A/03/2017/06

Final Order

Appellant : Sh. Parvez Shera
R/o. C-6, Channi Apartments,
Sector-7, Channi Himmat, Jammu.

Respondent : First Appellate Authority (FAA)/
Superintending Engineer, REW, Jammu and
Public Information Officer (PIO)/Executive
Engineer, REW, Doda.

Date of Registration : 11.04.2017

Date of Decision : 25.05.2017

Brief Facts:

This is a second appeal filed under section 16 (4) of the J&K Right to Information Act, 2009 in the J&K State Information Commission by one Sh. Parvez Shera, R/o. C-6, Channi Apartments, Sector-7, Channi Himmat, Jammu admitted on 11.04.2017. The appellant interalia submitted that he has filed an RTI application under section 6 of the J&K RTI Act, 2009 before the PIO/Executive Engineer, REW, Doda on 19.10.2015, seeking information relating to MGNREGA & allied sector in District: Doda. That the

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PIO forwarded the copy of the application to all BDOs of District: Doda with the request to provide the information to point no. 2, 3, 4, 6 and 7 so that the same be provided to the appellant. However, the PIO has not provided the information within the stipulated time period. Feeling aggrieved of not receiving the information from the PIO, the appellant filed First Appeal on 05.12.2015 in the office of the Director, Rural Development Department (RDD), Jammu. The Deputy Director, RDD, Jammu vide No. DRDJ/RTI-Appeal/2015/197/44552-53 dated: 12.12.2015 forwarded the appeal to the FAA/Superintending Engineer, REW, Jammu for further necessary action.

The FAA disposed of the appeal by passing order that the PIO has provided the information pertaining to his office vide no. dated: 29.12.2015 and also through Speed Post No. EE893098704IN. The appellant further submitted that the FAA should have passed on the application to the concerned Assistant Commissioner Development rather than passing an impugned order.

Proceedings:

The Commission has listed the 2nd appeal for hearing on 25.05.2017. The hearing was attended by FAA/Sh. Balbir Singh, Superintending Engineer, REW, Jammu and PIO/Sh. Pankaj Sharma, Executive Engineer, REW, Doda. The appellant has not attended the hearing and conveyed the same to the Commission vide his application dated: 22.05.2017 (received on 23.05.2017).

During the course of hearing, the FAA and PIO apprised the Commission that available information has been provided to the appellant. The FAA added that the appellant also did not turn up for hearing of the First Appeal. The Commission on hearing the respondents and on perusal of record observed that the appellant has submitted an application dated: 22.05.2017 whereunder he has made a request that 2nd appeal may be disposed of on merits.

Decision:

Whereas, the request of the appellant is unexceptionable but it is not the Commission which has asked for the information from the PIO and the FAA. The duty of the Commission is to ensure that the information which is available and can be accessed is provided to the information seeker. But in this case, the appellant has disassociated from the appeal and there is no reason now for the Commission in pursuing this matter with the respondents after they have submitted during the hearing that available information has already been provided. Had the appellant been present, this submission could have been cross checked and verified for authenticity. But this is not possible in the continued absence of the appellant. As such, nothing more is left to be done in this appeal. There is no other option other than to bring the matter to a closure on the grounds that the PIO and the FAA have taken due action in terms of the provisions of the RTI Act.

The second appeal is accordingly disposed of.

Copy of this decision be given free of cost to the parties.

Sd/-

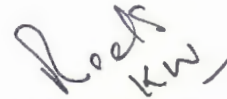
(Khurshid A. Ganai) *IAS Retd.*
Chief Information Commissioner
J&K State Information Commission

Dated: 14.6.2017

No: SIC/J/A/03/2017/ 8432-37

Copy to:

1. Registrar, J&KSIC for information and necessary action.
2. FAA/Sh. Balbir Singh, Superintending Engineer, REW, Jammu for information and necessary action.
3. PIO/Sh. Pankaj Sharma, Executive Engineer, REW Doda for information and n/a.
4. Private Secretary to HCIC for information of the HCIC.
5. Appellant/Sh. Parvez Shera, R/o. C-6, Channi Apartments, Sector-7, Channi Himmat, Jammu for information.
6. Office file.



(Rita Koul)

Deputy Registrar
J&K State Information Commission