



Jammu and Kashmir State Information Commission

شہنیشن کمیٹی انفارمیری اسٹیٹسٹ 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

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File No. SIC/J/A/01/2017

Decision No. SIC/J/A/01/2017/14

Final Order

- Appellant : Sh. Vinod Kumar Gupta
R/o. 246/4, Shant Nagar, Janipur
Jammu-180007.
- Respondent : First Appellate Authority (FAA)/
Deputy Commissioner, Reasi and Public
Information Officer (PIO)/Assistant
Commissioner (Rev.) AC (R), Reasi.
- Date of Registration : 07.04.2017
- Date of Decision : 14.06.2017

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. Vinod Kumar Gupta R/o. 246/4, Shant Nagar, Janipur Jammu-180007. admitted on 07.04.2017 inter alia stating that he filed an RTI application before the PIO/AC (R), Reasi on 22.11.2016 seeking certain information related to work executed by JKPCCLtd. Unit Reasi for completion of Mini Secretariat Building at Reasi.

Aggrieved by the response of the PIO, the appellant filed First Appeal before the FAA/Deputy Commissioner, Reasi on 09.01.2017 through registered post. However, he did not receive the information as sought through the RTI application. As such prayed for providing of information and imposition of penalties under section 17 of the J&K RTI Act, 2009.

Proceedings:

In compliance to the notice of the Commission dated: 01.06.2017 Sh. Ravinder Kumar, Deputy Commissioner, Reasi/FAA and Sh. Abdul Sattar, AC (R), Reasi/PIO were heard from NIC Reasi through Video Conferencing. The appellant attended the hearing at Jammu office of the Commission. The FAA and PIO also filed counter statements to the 2nd appeal which are taken on record.

The PIO submitted that he received the RTI application of the appellant on 28.11.2016 and on perusal of same it was noticed that information sought by the appellant pertains to another public authority i.e. Jammu & Kashmir Projects Construction Corporation Ltd. (JKPCC); as such the application was transferred to the concerned Public Authority on 06.12.2016 in terms of section 6 (3) of the RTI Act under intimation to the appellant.

The FAA also submitted that he is not the actual FAA in this case as the RTI application had been transferred to the JKPCC. The appellant filed the First Appeal before him but the same was duly forwarded to the FAA of the JKPCC Ltd., vide office letter No. DC/Rsi/N/2830-32 dated: 31.01.2017.

During the course of hearing, the appellant admitted that he has received the copy of letter dated: 06.12.2016 where under the PIO/ACR, Reasi forwarded his RTI application to the Deputy General Manager, JKPCCL, Reasi.

From the perusal of record and statements of the parties, it is evident that the appellant has filed the RTI application in the office of AC (R), Reasi instead of the PIO of JKPCCL. The PIO/AC (R), Reasi acting under the mandate of the J&K RTI Act, 2009 has rightly transferred the RTI application to the concerned public authority under intimation to the appellant. However, the appellant instead of appearing before the PIO concerned and preferring First Appeal before the FAA of the JKPCCL, again approached the DC office, Reasi by way of First Appeal. It is clear that the appellant has not heeded the order of the PIO of the DC office, Reasi and wasted time in filing the First Appeal again with the DC, office.

Decision/Directions:

Since the RTI application filed by the appellant has already been forwarded to the concerned PIO of JKPCCL Ltd. the PIO, JKPCCL Reasi is directed to dispose of the RTI application under the provisions of the RTI Act within a period of 30 days from the date of receipt of this order. The appellant is directed to contact PIO, JKPCCL Reasi and present his case.

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

No: SIC/J/A/01/2017 _____
Copy to:

Dated: . . .2017

1. Registrar, J&KSIC for information and necessary action.

2. FAA/Deputy Commissioner, Reasi for information and necessary action.
3. PIO/Assistant Commissioner (Rev.), Reasi for information and n/a.
4. PIO, J&K Projects Construction Corporation Ltd., Reasi for information and necessary action.
5. PS to HCIC for information of HCIC.
6. Appellant/Sh. Vinod Kumar Gupta, R/o. 246/4, Shant Nagar, Janipur, Jammu-180007 for information.
7. Office file.

(Dr.Gh.Mohi-Ud-Din)
Joint Registrar
J&K State Information Commission