



Jammu and Kashmir State Information Commission

شنیشن کمیٹی انفارمیری اسٹیٹسٹ 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/J/A/02/2017

Decision No. SIC/J/A/02/2017/15

Final Order

- Appellant : Sh. Gajay Singh Rana
R/o. Opposite to Poppy Land Hotel, Doda
Tehsil and District Doda.
- Respondent : First Appellate Authority (FAA)/
Additional Deputy Commissioner (ADC), Doda and
Public Information Officer (PIO)/Assistant
Commissioner (Rev.), Doda.
- Date of Registration : 10.04.2017
- 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. Gajay Singh Rana, R/o. Opposite to Poppy Land Hotel Doda, Tehsil and District: Doda, Pin Code: 182221 admitted on 10.04.2017. The appeal is against the alleged inaction of the PIO/Assistant Commissioner (Revenue)

[AC (R)], Doda and the rejection of his First Appeal by the FAA viz. Additional Deputy Commissioner, Doda vide his order dated: 18.02.2017.

The appellant has alleged that "the FAA ought to have bothered to peruse the copy of application form-1 (RTI application) dated: 22.11.2016 which was attached by the appellant with the First Appeal and which also contained the photocopy of the receipt of Post Office: Doda dated: 29.11.2016."

Proceedings:

In response to the notice of the Commission dated: 17.05.2017, the FAA/ADC, Doda has filed counter statement/reply to the second appeal interalia submitting that the PIO/AC (R), Doda through his rebuttal statement dated: 04.02.2017 had intimated that the RTI application of the appellant was not received in his office as verified from the receipt section of that (PIO) office. That vide his office no. 613-14/RTI dated: 13.02.2017 of the FAA, a notice was served upon the appellant and the PIO to attend FAA's office on 18.02.2017 at 11:00 a.m. for hearing/disposal of the First Appeal. That the PIO/AC (R), Doda had attended the hearing along with relevant record but the appellant didn't turn up. That perusal of the record available on file and rebuttal statement of the PIO/AC (R), Doda revealed that the RTI application of the appellant was not received in the office of the PIO. The FAA has accordingly concluded that second appeal of the appellant may kindly be dismissed.

The appellant Sh. Gajay Singh Rana and FAA/Sh. Mohd. Hanief Malik, ADC, Doda were heard at length on 24th of May, 2017. The PIO/ACR,

Doda was not able to attend the hearing due to sudden death of a close relative and in support of which he has sent an application to the Joint Registrar, State Information Commission to exempt his personal presence. The hearing was adjourned with the following directions:

"Since the stand taken by the PIO is very clear in denying receipt of the basic RTI application, it becomes absolutely necessary to hear the PIO in person and afford an opportunity to him and his office that such an RTI application was never received. The FAA has doubtlessly issued an order in the First Appeal but has not probed sufficiently the stand taken by the PIO that no RTI application was received by his office. Accordingly, keeping in view the public interest involved, as the information sought pertains to encroachment of Government land and unauthorized construction, another opportunity of hearing is being allowed with the direction to the Registry to schedule the hearing on a suitable date and to issue notices accordingly."

The appeal was again listed for hearing on 14.06.2017. The parties were heard through Video Conferencing. The counter reply of the FAA bearing No:117/RTI dated: 12.06.2017 received by the Commission through post on 13.06.2017 was taken on record.

Decision:

After hearing the parties and perusal of record, the Commission has no reason to disbelieve that the RTI application filed by the appellant through Registered Post on 29.11.2016 has not been received by the PIO. As such, the appellant is directed to submit a fresh copy of the RTI

application dated: 29.11.2016 to the PIO/Assistant Commissioner (Rev), Doda. The PIO on receiving the same shall dispose it of under the provisions of the J&K RTI Act, 2009. In the circumstances of the case the FAA/ADC, Doda shall also oversee the work of the PIO/AC (R), Doda in the disposal of RTI applications in general and in particular this application under question/appeal. The ADC, Doda shall issue appropriate instructions to the PIO for strengthening of the RTI Cell in DC office, Doda and in this regard keep the DC, Doda informed of the steps so taken.

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/02/2017_____

Dated: . . 2017

Copy to:

1. Registrar, J&KSIC for information and necessary action.
2. FAA/Additional Deputy Commissioner, Doda for information and necessary action.
3. PIO/Assistant Commissioner (Revenue), Doda for information and n/a.
4. Private Secretary to HCIC for information of the HCIC.
5. Appellant/Sh. Gajay Singh Rana, R/o. Opposite to Poppy Land Hotel, Doda, Tehsil and District Doda for information.
6. Office file.

(Dr.Gh.Mohi-Ud-Din)

Joint Registrar

J&K State Information Commission