



**Jammu and Kashmir State Information Commission**

شنیشن کمیٹی انفارمیری اسٹیٹنڈ 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**

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File No. SIC/K/SA/06/2017

Decision No. No. SIC/K/SA/06/2017/**13**

Appellant : Mr. Ab. Majeed Zargar

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

Date of Registration : 27.02.2017

Date of Decision : 19.06.2017

**Brief Facts:**

Brief facts of the case are that the appellant Shri Ab. Majeed Zargar filed 2<sup>nd</sup> appeal against FAA of the Commissioner, Srinagar Municipal Corporation (SMC) and PIO/Secretary SMC before the Commission on 27.01.2017. The appellant in 2<sup>nd</sup> appeal has alleged that neither PIO, SMC has responded to his RTI application nor FAA has provided him the information sought. The appellant has requested the Commission to impose penalty as envisaged under the J&K RTI Act with directions to provide the requisite information.

As per records of the file the appellant filed an application dated 04.07.2016 before PIO, SMC seeking copies of whole record indicating follow up action by the concerned in the form of official letters, notes and reports etc on the complaint submitted before Commissioner, SMC Srinagar on 30<sup>th</sup> March 2016. On 27.12.2016, the appellant filed First appeal before FAA against the inaction of PIO. Thereafter, the appellant approached the Commission with 2<sup>nd</sup> appeal on 27.01.2017 against non-action of both PIO and FAA. On scrutiny of documents, some deficiencies were pointed out, which were completed by the applicant on 27.02.2017.

### **Proceedings:**

In response to the notice of the Commission, Shri Hilal Ahmad Dewani PIO filed reply/counter statement. The PIO in his reply has submitted that for disposal of the RTI application of the appellant, assistance was sought under Section 5(4) of the J&K RTI Act from Chief Enforcement Officer and Ward Officer Ward No. 25 vide letter dated 05.07.2016. The appellant vide communication dated 14.03.2017 admitted to have received the letter dated 17.01.2017 however submitted that among twelve (12) enclosures only one enclosure is related to the information sought and rest are unconnected to the request.

The 2<sup>nd</sup> appeal was initially listed for hearing in the Commission on 03.04.2017, however the hearing was adjourned on the request of the PIO citing the reason that he has been assigned election related duties as Electoral Registration Officer/Nodal Officer (SVEEP). The 2<sup>nd</sup> appeal was again heard by the Commission on 08.05.2017. PIO SMC Sh. Hilal Ahmad

Deewani, APIO Shri Mudsari Hussain Banday and appellant Shri Ab. Majeed Zargar attended the hearing. The hearing of the 2<sup>nd</sup> appeal was adjourned with the following directions:

*"The PIO SMC is directed to seek the assistance of the concerned officers under Section 5(4) of the J&K RTI Act, 2009 and provide the follow up action taken report in terms of the records maintained by those officers. This direction be complied within a period of 15 days positively."*

In pursuance to the directions of the Commission, PIO vide letter dated 26.05.2017 provided information consisting of 26 leaves to the appellant. However, the appellant expressed his dissatisfaction and stated that he has not received information on the follow up action on the grievance submitted by him on March, 28 2016, by way of an RTI application to the Commissioner SMC Srinagar.

**Directions:**

During proceedings, Shril Hilal Ahmad Deewani Secretary/PIO SMC, Sh. Mudasir Hussain Banday, APIO SMC and Shri Ab. Majid Zargar, appellant attended the hearing. PIO SMC is directed to provide all the documents relating to demolition of the illegal construction mentioned in the grievance/RTI application dated 28<sup>th</sup> March, 2016 as sought thereof besides the latest status of the case in view of the Financial Commissioner (Revenue) J&K order directing status quo on spot.

With these directions, the appeal filed before the Commission is disposed of.

**Sd/-**  
**(Khurshid A. Ganai)** *IAS Retd*  
Chief Information Commissioner

**Copy to:**

1. Secretary/PIO SMC Srinagar
2. Pvt Secy to HCIC J&K Srinagar
3. Appellant-Sh Ab, Majeed Zargar 5, Shah-i-Hamdan Lane Umerabad  
Sector-II Zainakote, Srinagar
4. Office file

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