



Jammu and Kashmir State Information Commission

جموں اینڈ کشمیر اسٹیٹ انفارمیشن کمیشن

(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/K/SA/28/2017

Decision No. No. SIC/K/SA/28/2017/19

Appellant : Mr. Mirza Mohammad Iqbal (2nd Appeal)

Respondent : First Appellate Authority (FAA)/Public Information Officer (PIO) J&K Cements Ltd.

Date of Registration : 08.05.2017

Date of Decision : 28.06.2017

Brief Facts:

Brief facts of this 2nd appeal are that the appellant Shri Mirza Mohammad Iqbal filed the 2nd appeal before the Commission on 01.05.2017 against the First Appellate Authority (FAA) and the Public Information Officer (PIO) of J&K Cements Ltd. stating therein that he filed an application for seeking specific information from PIO J&K Cements on 24.01.2017, but the PIO failed to provide him the information within the stipulated time. Thereafter, FAA also failed to provide him the information within the prescribed period. That is why; the appellant had to come to the State Information Commission to direct the respondents to provide him the information sought and take action against the defaulting respondents under the provisions of the J&K RTI Act.

As per records, the appellant vide RTI application dated 24.01.2017 sought the following information from the PIO J&K Cements Ltd:

“Specific promotion order copy of Shri Atul Kumar Sharma, General Manager J&K Cements by which he has been promoted as General Manager”

Thereafter, the appellant filed First appeal before FAA J&K Cements on 25.02.2017 on the ground that the PIO had failed to provide him the requisite information within the prescribed time. Later on, the appellant filed the instant 2nd appeal against inaction of the PIO and the FAA.

Proceedings before the Commission:

The case was listed for hearing before the Commission today on 28.06.2017. Mr. A.M. Kanth, Manager J&K Cements Ltd/PIO and Sh. Mirza Mohammad Iqbal, appellant were present during the hearing. The PIO vide letter dated 12.05.2017 has intimated the appellant that their office which was stationed at Nawa-i-Subh Complex, Zero Bridge, Srinagar got gutted in the fire incident on 31.05.2015 in which most of the service records pertaining to the employees got damaged. The PIO has also enclosed Copy of the FIR to the appellant and has advised him to seek the information as per his RTI application from the Administrative Department viz Industries and Commerce Department. The PIO submitted that RTI application of the appellant was responded vide letter quoted above. The appellant admitted to have received the response of the PIO vide letter dated 12.05.2017. However, the appellant submitted that the PIO should have collected the information from Samba Factory office (Last posting of Shri Atul Kumar Sharma) or from the administrative department, if the same was not available in his office. The PIO has not done so but has wasted his time for unknown reasons.

Directions:

The submissions made by the appellant and the respondent were considered. It is correct to conclude that the PIO should have obtained the requisite information as sought by the information seeker from subordinate offices of J&K Cements Ltd Camp Office, Jammu/ Factory Offices Khrew and Samba / Administrative Department. In the event of failure to collect the information from the subordinate offices of J&K Cements Ltd., the PIO could have transferred the RTI application to the PIO of the Administrative Department Industries and Commerce Department, the concerned authority under Section 6(3) of the J&K RTI Act so that the Administrative Department would deal with it as an RTI application and dispose of the same as per the J&K RTI Act, 2009.

During the proceedings, it was noticed that the PIO was not fully conversant with the provisions of the J&K RTI Act. He admitted to have not read the J&K RTI Act, 20-09 and the J&K RTI Rules of 2012. Accordingly, the PIO is directed to go through the J&K RTI Act and the Rules so that he is able to dispose of the RTIs well in time in future. As far as this 2nd appeal is concerned, it is observed that copy of the promotion order of Shri Atul Sharma, as GM in the J&K Cements Ltd. should be available in at least one or all of the subordinate offices of the Head Office of J&K Cements Ltd. and also the Administrative Department if such an order has ever been issued. Therefore the PIO is directed to collect the information/ Order copy as sought by the Information seeker as per his RTI application dated 24.01.2017 from other offices of J&K Cements Ltd vis-à-vis Camp Office, Jammu/Factory Offices Khrew and Samba or from the Administrative Department within three weeks from the date

of receipt of this order and furnish the same to the appellant under intimation to the Commission.

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

Copy to:

1. PIO/General Manager, J&K Cements Ltd. Srinagar
2. Pvt Secy to HCIC J&K Srinagar
3. Appellant-Mr Mirza Mohammad Iqbal S/o Mirza Sikander Ali R/o Nabdipora, Hawal Srinagar
4. Office file

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