



## **Jammu and Kashmir State Information Commission**

(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](http://www.jksic.nic.in)

\*\*\*\*\*

File No. SIC/CO/SA/443/2017

Decision No. SIC/ CO/ SA/443/2017/970

### **Final Order.**

Appellant : Sh. Abdul Rashid Khan.  
Respondent : Public Information Officer (PIO),  
Health & Medical education Department,  
J&K Civil Secretariat, Srinagar.  
Date of decision : **09-06-2017.**  
Decision : Appeal disposed of.

#### **I. Brief facts of the case.**

Briefly facts of this case are that the appellant in exercise of the Right to Information under section 6 of the J&K RTI Act, 2009 filed RTI application dated 03-10-2016 with the Public Information Officer (PIO), O/o Commissioner/Secretary Medical Education Department seeking information on (8) points. The PIO responded to his RTI application on 10-11-2016 intimating that the main file on the subject is under submission to the Authorities and information will be provided once the file is received back. Aggrieved by the reply of the PIO, the appellant filed 1<sup>st</sup> appeal on 03-11-2016 with the First Appellate Authority (FAA) concerned. The 1<sup>st</sup> appeal was disposed of by the FAA on 07-12-2016, giving the directions to the PIO to provide the information to the appellant when the file is returned.

Not satisfied by the order of the FAA, the appellant at last filed 2<sup>nd</sup> appeal before the Commission with the request to direct the respondents to provide him the requisite information sought vide his RTI application.

## **II. Proceedings before the Commission.**

The case was listed for hearing for the first time before the Commission on 27-03-2017. The hearing was attended by Sh. Vaibhav Kohli, Deputy Secretary/PIO, Health & Medical Education Department and the appellant Sh. Abdul Rashid Khan. After hearing the parties, PIO was directed to provide the givable information held by him to the appellant with a copy to the Commission. The case was again listed on 11-05-2017 for hearing before the Commission, which was attended by Sh. Naseer Ahmad Wani, Additional Secretary/FAA, Health & Medical Education Department and the appellant. PIO did not attend as he was on leave.

FAA, Health & Medical Education Department submitted that information has been provided to the appellant. However, the appellant did not agree with him. After hearing the parties, the case was again adjourned with the directions that information sought by the appellant as per his original application be given to him within three (03) weeks time under intimation to the Commission.

The final hearing in this appeal held on 09-06-2017 was attended by Sh. Naseer Ahmad Wani, Additional Secretary/FAA, Health & Medical Education Department, Sh. Vaibhav Kohli Deputy Secretary/PIO, Health & Medical Education Department and the appellant. PIO submitted that now all the information has been furnished to the appellant. However, the appellant was again not satisfied by the statement of the PIO.

## **III. Decision/Directions:**

**After hearing the rival contentions of the parties and on perusal of the record, the Commission observes that although most of the requisite information has been provided to the appellant after various hearings before the Commission, some part of information is still pending. PIO is accordingly, directed to furnish the balance information to the appellant within fifteen (15) days from the date of receipt of this order. Appellant is free to file a complaint for non-compliance of the Commission's this order.**

**With the above directions this 2<sup>nd</sup> appeal is disposed of.**

**-sd/-**

(Khurshid A. Ganai) *IAS Retd.*,  
Chief Information Commissioner,  
\*/imi/\*

Copy to the:

1. First Appellate Authority (FAA), O/o Commissioner Secretary to Govt. H&ME Deptt. Civil Secretariat, Srinagar for information.
2. Public Information Officer (PIO), O/o Commissioner Secretary to Govt. H&ME Deptt. Civil Secretariat, Srinagar for information.
3. PS to CIC for information of HCIC.
4. Sh. Abdul Rashid Khan S/o Kh. Mohammad Rajab Khan R/o Gulberg Colony, Hyderpora, Srinagar.
5. Guard file.

(Shiekh Fayaz Ahmad)  
REGISTRAR,  
J&K State Information Commission.