



## **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)

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File No. SIC/CO/SA/469/2017

Decision No. SIC/ CO/ SA/469/2017/977

### **Final Order.**

Appellant : Sh. Surinder Kumar Sharma.  
Respondent : Public Information Officer, Estates Department,  
Date of decision : **04-07-2017.**  
Decision : Appeal disposed of.

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

Briefly, the facts of this case are that the appellant Sh. Surinder Kumar Sharma while exercising his Right to Information filed RTI application with the Public Information Officer (PIO) O/o Deputy Director Estates, Jammu on 28-12-2016 seeking information on (8) points regarding record of land and Government Quarters situated at Karloop Jagir, Poonch House, Panjthirthi, Jammu. Thereafter, the appellant approached the First Appellate Authority (FAA) Director Estates, Jammu on 03-03-2017 with the request to provide him the requisite information. After he did not get information from the said Authorities, the appellant filed 2<sup>nd</sup> appeal before the Commission on 16-05-2017.

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

The case was listed for hearing before the Commission on 04-07-2017. The hearing was attended by Sh. Tasaduq Jeelani, Director/FAA, J&K Estates Department and Sh. Syed Farooq Assistant Director, Estates Department, Sh. Satish Kumar, Deputy Director/PIO Estates Department, Jammu and Sh. Nikhal Chaudary, counsel for the appellant were heard through video conferencing from Jammu Office of the Commission.

Counsel for the appellant submitted that he has not been provided the requisite information till date. Commission enquired from Sh. Satish Kumar, Deputy Director/PIO Estates Department, Jammu about the reasons of not providing the requisite information to the appellant. The PIO stated that the appellant had not furnished the fee along with his RTI application as per Rule 3 of the J&K RTI Rules'2012 as the Indian Postal Order enclosed by him was blank without the name of the authority to whom payable. The PIO further stated that, appellant was informed about this infirmity on 29-12-2016, PIO furnished copy of the said letter during hearing. Director Estates, submitted that the appellant had not filed 1<sup>st</sup> appeal with the concerned/designated First Appellate Authority.

Counsel for the appellant further submitted that he has not received any response from the PIO. That the PIO was under obligation to intimate to him about the fate of his RTI application which he did not do.

The Commission heard both the parties and also perused the record.

### III. **Decision:**

**The Commission observes that the PIO has rightly upheld that fee submitted by the appellant was not as per the RTI Rules 2012. It is also agreed that the appellant has not approached the concerned First Appellate Authority in terms of section 16 of the J&K RTI Act. However, Commission finds one lacuna in the disposal of the PIO, that he has not communicated his decision to the appellant in terms of section 7(8) of the J&K RTI Act, 2009. The appellant (now) and the then applicant is entitled to be provided information free of cost in terms of section 7(6) of the J&K RTI Act, 2009. The appellant has earned this concession because the PIO has neither guided him nor responded to him regarding the blank**

**IPO. Had the applicant been promptly advised by the PIO to submit a proper duly payable IPO/Fee, the need for this 2<sup>nd</sup> appeal may not have arisen. The PIO is therefore, directed to provide the requisite information to the appellant free of cost within a period of (15) days from the date of receipt of this order.**

**The 2<sup>nd</sup> appeal is accordingly disposed of subject to the above directions.**

**-sd/-**

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

Copy to the:

1. First Appellate Authority (FAA), Director, Estates, J&K Civil Secretariat, Srinagar for information.
2. Public Information Officer (PIO), Deputy Director, Estates, Jammu for information.
3. PS to CIC for information of HCIC.
4. Sh. Surinder Kumar Sharma S/o Lt. Krishan Dass R/o 26- Opposite J&K bank, Panjthirhi, Jammu.
5. Guard file.

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