



**Jammu and Kashmir State Information Commission**

شنیشن کمیٹی انفارمیری اسٹیٹسٹ کشمیر 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](http://www.jksic.nic.in)

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File No. SIC/J/A/10/2017

Decision No. SIC/J/A/10/2017/27

**Final Order**

(Second Appeal)

Appellant : Sh. Shiv Shanker Sharma

Respondents : First Appellate Authority (FAA)/  
Deputy Commissioner, Kathua and  
Public Information Officer (PIO),  
O/o. Deputy Commissioner, Kathua

Date of Registration : 18.04.2017

Date of Decision : 31.07.2017

**Brief Facts:**

This is a second appeal filed under section 16 (4) of the J&K Right to Information Act, 2009 (hereinafter Act for short) in the J&K State Information Commission by Sh. Shiv Shanker Sharma, R/o. Village Karayara, Tehsil Hiranagar, Pin Code: 184142 on 27.01.2017 (admitted after completion of deficiencies on 18.04.2017). The appellant interalia submitted that he had filed an RTI application with the PIO, O/o. Deputy Commissioner, Kathua through registered post on 13.10.2016. That the said application was rejected by the PIO vide his office communication

dated: 24.10.2016. That on non-receipt of information he preferred First Appeal before the FAA through registered post on 22.11.2016. That despite lapse of three months the FAA has not disposed of his First Appeal.

In view of the above he had requested the Commission for providing the requisite information and initiating appropriate action against the PIO & FAA.

### **Proceedings:**

This 2<sup>nd</sup> appeal came up for the hearing before the Commission for the first time on 12.06.2017. During hearing on 12.06.2017, it transpired that neither the FAA nor the PIO had filed counter statement/reply to the second appeal. They were directed to file the same alongwith necessary documents with copy to the appellant.

In compliance to the directions of the Commission Sh. Ramesh Kumar, IAS Deputy Commissioner, Kathua-cum-FAA has filed reply dated: 13.06.2017 interalia submitting that the appellant and respondent (PIO) were asked to appear before him three times i.e. 17.12.2016, 30.12.2016 and 12.01.2017 but the appellant never turned up on the said dates. That he finally disposed of the appeal on 12.07.2017 with direction to the Assistant Director (Planning) to provide information to the appellant immediately by post and furnish action taken report on 21.01.2017.

The appellant has submitted a representation dated: 31.07.2017 before the Commission under subject Closure of case titled Shiv Shanker Sharma v/s PIO & FAA, DC office Kathua. The appellant has therein

submitted that the PIO in the above referred case has provided the requisite information on 18<sup>th</sup> instant, hence the said case may be closed.

In view of the written assertion made by the appellant, the Commission finds no merit in proceeding further in this appeal and the case is disposed of as closed.

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

Dated: . . .2017

No: SIC/J/A/10/2017\_\_\_\_\_

Copy to:

1. Registrar, J&KSIC for information and necessary action.
2. FAA/Deputy Commissioner, Kathua for information and necessary action.
3. PIO, O/o. Deputy Commissioner, Kathua for information and necessary action.
4. Private Secretary to HCIC for information of the HCIC.
5. Appellant/Sh. Shiv Shanker Sharma, R/o. Village Karayara, Tehsil Hiranagar, Pin Code: 184142.
6. Office file.

(Rita Koul)

Deputy Registrar  
J&K State Information Commission