



Jammu and Kashmir State Information Commission
(Constituted under the Right to Information Act, 2009)
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Old Assembly Complex, Srinagar, 0194-2506660, 2506661
www.jksic.nic.in

File No. SIC/K/SA/21/2017
Decision No. SIC/K/SA/21/2017/ **28**

FINAL ORDER

Appellant : Mr. Gh. Hassan Rah
Respondent : First Appellate Authority (FAA)/Public Information Officer (PIO)/Directorate of Health Services, Kashmir (DHS (K))
Date of Registration : 12.04.2017
Date of Decision : 07.08.2017

Brief Facts:

The brief facts of this 2nd appeal are that the appellant Shri Ghulam Hassan Rah S/o Khwaja Wali Mohammad Rah R/o Ziyarat Batmaloo filed 2nd appeal before the State information Commission on 12.04.2017 against the FAA and PIO, Directorate of Health Services, Kashmir (DHS (K)). The appellant submitted that in order to get certain information from the PIO DHS (K), he filed an RTI application dated 20.06.2016. The PIO failed to respond to his application and accordingly he filed the First Appeal before the FAA, DHS (K) on 23.02.2017. The appellant has alleged that till date he has not received the information from the PIO or from the FAA and as such, his promotional benefits have not

accrued to him. The appellant has prayed that the PIO be directed to provide him the requisite information so that he can claim promotional benefits from the concerned department.

As per the records of the 2nd appeal, the appellant vide RTI application dated 20.06.2016 has sought the following information from the PIO, DHS (K):

Seniority list of Drivers who have been promoted as Chauffeurs grade 1640-2900 except me as being senior most of all of them. S No. 1 has been given the same grade.

On 23.02.2017, the appellant filed first appeal before the FAA of DHS (K) against the inaction of the PIO. Thereafter, he filed instant 2nd appeal against the non-action of FAA and the PIO in the matter.

The appeal was heard in the State Information Commission (SIC) on 29.05.2017. Ms Kunzes Dolova FAA/Dy. Director (FAA) Directorate of Health Services Kashmir, Dr. Aabida Kawoosa (PIO) Directorate of Health Services Kashmir and Shri Gh. Hassan Rah (appellant) attended the hearing. Both the parties i.e. FAA/PIO and the appellant were heard and interalia following interim order was issued:

"Case adjourned. Registry is directed to list the case on 5th June, 2017 to enable the appellant to produce the relevant documents which he wants to present in support of his case/contention. Moreover, the FAA and the PIO of the Directorate of Health Services Kashmir are directed to re-examine the case and to see whether there is any record pertaining to release of chauffer grade to the drivers who have retired before or after the date of retirement of the appellant Shri Gh. Hassan Rah, Ex-Driver. "

The case was again heard by the Commission on 17.07.2017. Dr Aabida Kawoosa, PIO Directorate of Health Services Kashmir (DHS (K)) along with the officials of DHS (K) and appellant Shri Gh. Hassan Rah attended the hearing. During the hearing, the PIO DHS (K) submitted that the administrative control of the State Health Transport Organization (SHTO) has been vested in the Directorate of Health Services, Kashmir by virtue of Government Order Dated 24.04.2003 and before that the administrative control of SHTO was exercised by the Director State Motor Garages. The appellant has submitted a copy of Government notification dated 25 January 1996 issued by the Finance Department wherein 20% of total number of posts of Drivers are to be promoted/placed in the grade of chauffeurs.

Registry was directed to ask Director, State Motor Garages or his authorized representative to bring on the date of next hearing copies of orders of promotion of Chauffeurs who have been promoted on or before the date of retirement of the appellant and who were junior to the appellant at the time of his retirement in 1996. The appellant volunteered to bring all the documents available with him related to his own service record and promotion of drivers etc. on the next date of hearing.

The 2nd appeal came up for hearing before the Commission again today on 07.08.2017. Dr. G A Wani, Asst. Director/PIO DHS (K), Mr Fayaz Ahmad ADO/PIO Directorate of State Motor Garages, J&K, Mr Hilal Ahmad, Section Officer, Directorate of State Motor Garages, J&K and appellant Shri Gh. Hassh Rah attended the hearing. The appellant produced a copy of list of drivers promoted

as chauffeurs vide SRO No. 28 dated 25.01.1996. The ADO/PIO Directorate of State Motor Garages, J&K submitted that the record relating to the promotion of chauffeurs of the SHTO is not available with the Directorate of State Motor Garages, J&K and such information can be had from the State Health Transport Organization wing of DHS (K) which, as a whole, was transferred and been placed under the administrative control of DHS (K) since 2003.

Decision:

Heard Parties and perused the records. Basically, the appellant (retired driver) has a grievance with regard to his promotion as chauffeur and to the chauffeur grade. He has submitted that his juniors have been promoted as chauffeurs whereas he has not been given the same grade despite being senior to them.

Directions:

PIO, Directorate of Health Services Kashmir is directed to procure the seniority list of drivers as on 25th January 1996 from the SHTO wing of DHS (K) and provide a copy to the appellant Shri Ghulam Hassan Rah besides a copy of promotion orders of chauffeurs issued vide SRO 28 dated 25.01.1996.

Accordingly, the 2nd appeal filed before the Commission is disposed of.

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

Copy to:

1. First Appellate Authority, Directorate of Health Services, Kashmir
2. PIO Directorate of Health Services, Kashmir
3. PIO/ADO Directorate Of State Motor Garages J&K Srinagar
4. Appellant-Sh. Ghulam Hassan Rah S/o Khwaja Wali Mohammad
Rah R/o Ziyarat Batamaloo Srinagar
5. Office file

(Sheikh Fayaz Ahmad)

Registrar

J&K State Information Commission