



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

Final Order

File No. SIC/K/SA/24/2017

Decision No. No. SIC/K/SA/24/2017/**31**

Appellant : Sheikh Nisar Hussain

Respondent : First Appellate Authority (FAA)/ Assistant
Commissioner Development (AC (D))/
Public information Officer (PIO)/Block
Development Officer, Taisuru

Date of Registration : 24.04.2017

Date of Decision : 12.08.2017

Brief Facts:

The brief facts of the case are that the appellant Shri Sheikh Nissar Hussain filed 2nd appeal against the FAA/Assistant Commissioner Development (AC (D) Kargil) and the PIO/Block Development Officer (BDO), Block Taisuru, District Kargil before the State Information Commission (SIC) on 24.04.2017 on the following grounds:

1. That his RTI application dated 31.10.2016 filed before the PIo/BDO Taisuru has not been responded within the stipulated period of time.

2. That the FAA/AC(D) Kargil has failed to make any communication on a 1st appeal filed on 15.12.2016 through speed post.

The appellant has requested the SIC to direct the PIO and the FAA to provide him the requisite information, impose penalty upon the PIO with further direction not to delay the information in future.

As per the records of the 2nd appeal, the appellant vide RTI application dated 31.10.2016 has sought information on seven points regarding construction and other related matters of Community Halls of Block Taisuru, Kargil. On 15.12.2016, the information seeker filed 1st appeal before the FAA/AC (D) Kargil against the inaction of PIO. The PIO vide letter dated 7.12.2016 informed the appellant to furnish BPL certificate in original for seeking the information free of cost, failing which the information can be provided to him on deposition of required charges. Aggrieved of the aforesaid letter of the PIO, the appellant brought the matter in the knowledge of the Dy. Commissioner, kargil vide his communication dated 28.02.2017. Thereafter, the appellant filed 2nd appeal before the Commission on 24.04.2017.

Proceedings before the Commission:

The 2nd appeal was initially heard by the SIC on 06.06.2017. Shri Bashir Ahmad PIO/BDO Taisuru and the appellant Sheikh Nissar Hussain attended the hearing at Srinagar. The hearing was adjourned with the following directions:

“AC (D)/FAA was directed to file detailed report/reply to the 2nd appeal before the next date of hearing”

The 2nd appeal case was again heard by the SIC on 12.07.2017. Shri Bashir Ahmad PIO/BDO Taisuru and the appellant, Sheikh Nissar Hussain attended the hearing. During the proceedings, it was observed that the AC(D)/FAA had neither attended the hearing nor had submitted the detailed report/reply to the 2nd appeal in pursuance to the directions of the SIC passed on 06.06.2017. The SIC again directed the FAA/AC (D) to file a detailed report/reply to the Commission within one week.

In compliance to the aforesaid directions, Project Officer Wage Employment/AC(D), kargil filed reply dated 22.07.2017 and has enclosed the detailed report dated 12.07.2017 regarding the subject matter under consideration in the 2nd appeal. In the said report the FAA / AC (D) kargil has submitted that the requisite information has been provided to the appellant by the BDO, Taisuru vide letter dated 24.06.2017. The appellant was asked to intimate within two days as to whether he was satisfied with the information provided by the BDO Taisuru, however, nothing was heard from him.

The 2nd appeal came up for hearing again on 10.08.2017 through videoconferencing from the NIC Kargil. Shri Bashir Ahmad, PIO/BDO Taisuru and the appellant Sheikh Nissar Hussain attended the hearing through video conferencing from NIC kargil. The appellant admitted to have received the response of the PIO/BDO Taisuru dated 24.06.2017. However, the appellant submitted that full information has not been

provided to him till date. The case was adjourned for being heard again through video conferencing from NIC Kargil on 12.08.2017 as the FAA/AC (D) could not attend the hearing on 11.08.2016 in view of his official tour to Srinagar.

The 2nd appeal was again heard on 12.08.2017, Mr Kachoo Turab Shah FAA/AC (D) Kargil, Shri Bashir Ahmad, PIO/BDO Kargil attended the hearing through video conferencing. The appellant, when contacted telephonically during the hearing expressed inability to attend the hearing in view of his ailment. During the proceedings, the FAA/AC (D) informed the Commission that the information as asked for by the appellant has been furnished to him in full.

Decision:

Heard parties, perused records and considered their arguments. The appellant during proceedings on 11.08.2017 submitted that full information has not been provided to him. On the other hand, the FAA/AC(D) Kargil informed the Commission on 12.08.2017 that as per records, BDO Taisuru has provided the requisite information to the appellant . Moreover, the FAA/ AC (D) Kargil informed the SIC that as per records, BDO Taisuru has provided information to the appellant besides the appellant was intimated by him (FAA/AC(D) to intimate to his office whether he was satisfied with the information. The appellant reportedly neither attended his office (ACD's Office) nor made any communication with his office in writing.

The appellant is accordingly directed to communicate in writing to the FAA/AC (D) Kargil within two weeks the remaining information that, according to him, has not been provided by the BDO/PIO Taisuru in response to his RTI application dated 31.10.2016. The AC (D) is directed to ensure provision of the remaining information to the appellant within the time period stipulated herein above.

Accordingly, the 2nd appeal filed before the SIC is disposed of with the above directions.

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

S.Sajad Ahmad

Copy to:

1. First Appellate Authority (FAA)/AC (D) Kargil
2. BDO/PIO Taisuru, Kargil
3. Appellant-Sheikh Nissar Hussain S/o Haji Ghulam Abass C/o H O Youth Action Committee Kargil
4. Office file

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