



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

File No. SIC/CO/SA/471/2017

Decision No. SIC/ CO/ SA/471/2017-**980**

Appellant : Ms. Masood Begum.
Respondent : Public Information Officer, GAD,
Date of decision : **22-08-2017.**
Decision : Appeal disposed of.

I. Brief facts of the case.

Briefly, the facts of this case are that the appellant Ms. Masood Begum D/O Sh. Abdul Latief R/O Rakhiban Kothra Thana Mandi Darhal Rajouri, J&K while exercising her right to information filed an RTI application with the Public Information Officer (PIO) of the General Administration Department, (GAD) Civil Secretariat J&K on 13-03-2017 seeking certain information interalrai regarding action taken on her representation dated 27-02-2017 submitted to the Commissioner/Secretary to Government, General Administration Department, (GAD). After she did not get any response from the PIO, she filed 1st appeal on 15-04-2017 before the First Appellate Authority, (FAA), GAD. The FAA disposed of her appeal on 18-05-2017 with the finding that as per the statement of the PIO and perusal of record, it was found that the RTI application of the appellant had never been received by the PIO, GAD. FAA therefore, asked the appellant to file a fresh

RTI application with the PIO and PIO was directed to furnish the requisite information to her thereafter.

Not satisfied with the order of FAA, the appellant filed 2nd appeal dated 20-06-2017 before the State Information Commission (SIC) which was received in the SIC on 04-07-2017.

II. **Proceedings before the Commission.**

The case was listed for hearing before the Commission on 22-08-2017. The hearing was attended by Sh. Subash Chibber, Additional Secretary/FAA, GAD and Sh. Imtiyaz Kachoo, Deputy Secretary/PIO GAD. The Appellant did not appear despite Commission's due notice.

The PIO submitted that RTI application of the appellant was never received by him and that, had the RTI application been received, information would have been provided as per the records.

The FAA submitted that he has disposed of the 1st appeal after hearing the PIO and authorized representative of the appellant observing therein that as per records, the RTI application was not received by the PIO, so the appellant was asked to file a fresh RTI application which shall be responded by the PIO. The FAA stated that the reason for non-receipt of the RTI application in the office of the PIO, GAD appears to be writing of incorrect address as the postal receipt of the Indian Postal Order showed the addressee as the 'Administrative Department' and similarly the addressee on the original reference/representation dated 27-02-2017 also read as 'Commissioner/Secretary to Government, 'Administrative Department' instead of 'Commissioner/Secretary to Government, 'General Administrative Department.' That the appellant instead of filing a fresh RTI application filed the 2nd appeal before the SIC. FAA and PIO filed counter statements as well in the Commission.

III. **Decision:**

The SIC has considered the presentation made by the FAA and PIO, GAD and also perused the record on file. The appellant has failed to appear before the Commission either personally or through her

authorized representative to substantiate her case despite advance notice through prescribed mode of service. After due consideration of all available information the SIC, finds no reasons to disagree with the finding of the FAA that the RTI application was never received by the PIO in the GAD. The FAA has disposed of the 1st appeal within prescribed time period asking the appellant to file a fresh RTI application with the PIO. In the given circumstances this decision of the FAA is unobjectionable.

The instant 2nd appeal is accordingly disposed of with the direction that the PIO shall now treat the copy of the RTI application annexed with the 1st appeal/2nd appeal as the fresh RTI application being submitted now and dispose of the same with reference to the disposal of the original representation dated 27-02-2017. All this may be done within a period of 30 days from the date of receipt of this order by the PIO, GAD.

Order copy be given to the parties free of cost.

-sd/-

(Khurshid A. Ganai) *IAS Retd.*,
Chief Information Commissioner,
J&K State Information Commission.

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Copy to the:

1. First Appellate Authority (FAA), General Administration Department, (GAD) J&K Civil Secretariat, Srinagar for information.
2. Public Information Officer (PIO), General Administration Department, (GAD) for information.
3. PS to CIC for information of HCIC.
4. Ms. Masood Begum D/o Sh. Abdul Latief R/o Rakhiban Kothra, Thana Mandi, Darhal, Rajouri, J&K.
5. Guard file.

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