



Jammu and Kashmir State Information Commission

شہن یشن کمیٹ انفارمیر 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

File No. SIC/CO/SA/453/2017

Decision No. SIC/CO/SA/453/2017/982

Final Order

(2nd Appeal)

Appellant : Mr. Javaid Ahmad Bhat

Respondent : First Appellate Authority (FAA) and
Public Information Officer (PIO), National Cadet
Corps (NCC), J&K

Date of Registration : 15.05.2017

Date of Decision : 11.09.2017

Brief Facts:

The appellant Mr. Javaid Ahmad Bhat, S/o. Sh. Muhammad Abdullah Bhat, R/o. H.No. 435, Sector 2/C, Bilal Colony, Bemina, Srinagar filed RTI application dated: 24.11.2016 with the PIO, NCC Group HQ, Srinagar seeking the following information:

- (i) *I need authority in which you have drawn Government money on account of House Building Advance in respect of all permanent Government employees of your control and Shabir Ahmad Dar who is illegally serving as Junior*

- Assistant/Senior Assistant in your GP HQ since Jul (should have been July) 2000 to Nov 2016.*
- (ii) I need account statement with treasury voucher No. and date that you have been deposited Government money on account of House Building Advance in r/o all permanent Government Employees and Shabir Ahmad Dar for the period from Jul (July) 2000 to November 2016.*
 - (iii) I need the account statement you have been drawn pay and other allowances in favour of Shabir Ahmad Dar who illegally serving as Junior Assistant/Senior Assistant to your GP HQ since Jul (July) 2000 to Nov. 2016 as per the FIR lodged with the authority of Special Crime Branch through Police Station Shaheed Gunj, Srinagar under article RPC under section 420, 467, 468 and 471 dated: 15 Oct. 2016.*
 - (iv) I need the account statement you have been drawn TA/DA from time to time against various temporary duties in favour of Shabir Ahmad Dar who illegally serving as Junior Assistant/Senior Assistant to your GP HQ since Jul (July) 2016 to Nov. 2016.*
 - (v) I need the account statement along with firm name that your Group HQ has been processed bills CDA and Government money has been drawn under code head (IT Stationery, IT Software, IT Maintenance, and IT Hardware from F/Y 2007-2008 to Nov. 2016.*

Aggrieved by the disposal of the PIO, he filed First Appeal dated: 08.12.2016 which was not disposed of by the FAA which constrained him to file 2nd appeal in the State Information Commission (SIC). Accordingly, he has requested that PIO may be directed to provide all the requisite information sought by him vide his RTI application.

Proceedings:

This 2nd appeal was filed in the SIC on 15.05.2017 but with a view to hear all the parties and for appropriate final disposal of the appeal, the time period for disposal was extended by another 60 days upto a maximum of 120 days from the date of filing of the appeal in terms of section 16(11) of the J&K RTI Act, 2009.

The case came up for hearing before the SIC for the first time on 04.07.2017 which was adjourned due to non presence of FAA and PIO. The hearing was again fixed on 16.08.2017 which was again adjourned due to non-availability of the PIO as he was out of station for official work at Leh. The FAA was also not present.

The case was listed for final hearing before the Commission on 11.09.2017. The hearing was attended by Brigadier A.S. Kasana, Group Commander, NCC Group Headquarter, Srinagar (on behalf of FAA) and Colonel T.S. Rao, Deputy Group Commander, NCC Group Head Quarter, Srinagar. Appellant also attended.

The appellant reiterated his request for information which he alleged has not been provided to him fully. The respondents/PIO accepted to provide the information that has not been provided so far by the PIO and that which is available in the records. The respondents also accepted that there was nothing on record to show that the First Appellate Authority (FAA) had issued any order in the First Appeal or that he had heard the appellant.

Decision:

On perusal of records and submissions made by the parties at the time of hearing, it transpires that only part information has been provided by the PIO and the transferred part of the RTI application to the J&K Naval Unit NCC, Srinagar and J&K Girls Battalion NCC, Srinagar has been responded to in a delayed manner. The PIO submitted that the reason for non furnishing of information in full is non-availability of records in the office which got damaged due to floods of September, 2014. He also submitted that he will again sift through the available records and provide the balance information thereof.

There are three other observations/directions that are important and must be made/given in this 2nd appeal:

1. Whereas the present PIO has shown willingness and enthusiasm to give due importance to the RTI related work, the same cannot be said about the FAA. In fact it is observed that had FAA acted in terms of the role and responsibilities laid down under section 16, the cause for second appeal may not have arisen.
2. The appellant as a citizen has every right to seek information under the RTI Act but being an employee himself, he has to be extremely cautious in this to ensure that the organization that he is a part of i.e. NCC is not repeatedly put under the burden of having to reply to RTIs seeking voluminous information. That will result in diversion of resources and manpower of the NCC to the detriment of the organizational objectives.

3. As far as the issue of legality of appointment of Shabir Ahmed Dar is concerned, it is for the NCC authorities to take cognizance of the allegations made by the appellant and take a view on the way forward. The appellant informed that the Crime Branch & SVO are looking into the matter.

The 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

(P.A. Ajay)

No: SIC/CO/SA/453/2017_____

Dated: . .2017

Copy to:

1. FAA/Dy. Director General, NCC (J&K), Camp office Canal Road, Jammu for information.
2. Brigadier A.S. Kasana, Group Commander, NCC Group Headquarter, Srinagar for information.
3. PIO/Col. T.S. Rao, Deputy Group Commander, NCC Group Head Quarter, Srinagar for information and necessary action.
4. PS to HCIC for information of the HCIC.
5. Appellant/Mr. Javaid Ahmad Bhat, S/o. Sh. Muhammad Abdullah Bhat, R/o. H.No. 435, Sector 2/C, Bilal Colony, Bemina, Srinagar for information.
6. Office file.

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