



**Jammu and Kashmir State Information Commission**

جموں اینڈ کشمیر اسٹیٹ انفارمیشن کمیشن

(Constituted under the Right to Information Act, 2009)

**Wazarat Road, near DC Office Jammu, 0191-2520947, 2520937**

**Old Assembly Complex, Srinagar, 0194-2506660, 2506661**

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File No. SIC/K/SA/46/2017

Decision No. No. SIC/K/SA/46/2017/**38**

Appellant: Dr. Suhail Amin Patigaroo  
R /o H. No. 77, Alnoor Colony (West)  
Hyderpora, Bypass, Srinagar

Respondent : First Appellate Authority (FAA)/Public  
Information Officer (PIO) SKIMS Medical  
College, Srinagar

Date of Registration : 24.07.2017

Date of Decision : 11.09.2017

**Brief Facts:**

Brief facts of the case are that the appellant Dr. Suhail Amin Patigaroo filed second appeal before the Commission against (FAA)/(PIO) SKIMS Medical College on 24-07-2017 on the ground that his RTI application filed before the PIO on 08-05-2017 had not been responded to within the stipulated period, which compelled him

to file the First Appeal before the (FAA) First Appellate Authority on 16-06-2017. In reply to the First appeal, he received a reply from the PIO vide letter dated 30-06-2017 and the reply of FAA dated 22-06-2017 was enclosed as information. In his reply, the FAA informed him that the SKIMS medical college was submerged in flood waters in 2014 and all records got completely destroyed. The appellant alleged that the information somewhat similar to his RTI application had been provided to Mr. Irfan Nawab. The appellant stated that if whole record got submerged in flood waters, then how come somewhat similar information pertaining to years 2011 and 2012 was provided under the RTI Act whereas the information sought by him pertaining to the same years is denied on the ground of floods of 2014. The appellant requested the Commission to direct the PIO to provide him the requisite information.

As per the records on file, the appellant vide RTI application dated 08-05-2017 has sought information from PIO, SKIMS Medical College, Bemina, Srinagar pertaining to the appointment of Faculty staff at SKIMS Medical College under order No. 32-SKIMS of 2012 dated 24-03-2012 and in terms of the Advertisement No. 01 of 2011, dated 15.09.2011. Against the inaction of the PIO, the appellant filed first appeal before FAA on 16-06-2017. In response to this, the PIO vide letter dated 30-06-2017 provided the appellant the communication of Principal, SKIMS Medical College/FAA dated 22-06-2017 as information. The FAA in his reply has interalia informed the appellant as under:-

*“Regarding information pertaining to advertisement notice No. (01) of 2011 dated 15-09-2011 and Order No. 32-SKIMS-MC of 2012 dt. 24-03-2012, it is submitted that this information dates back to year 2011 and since this office as well as the whole college & hospital side had got submerged in the flash floods of Sep. 2014 and all the records of this College/Hospital, Machinery & equipments, chemicals etc. had got completely unavailable with this office. A copy of FIR in this regard lodged in police station Parimpora is enclosed herewith as Annex-C”.*

Not satisfied with the reply of FAA, the appellant filed the instant 2<sup>nd</sup> appeal before the Commission. On scrutiny, some deficiencies were found which the appellant completed on 24-07-2017.

### **Proceedings before the Commission:**

The 2<sup>nd</sup> appeal was heard by the Commission today on 11-09-2017. Dr. Suhail Amin Patigaroo attended the hearing. During the proceedings, the appellant submitted that PIO has not replied to his RTI application at all, however, the FAA in his communication dated 22-06-2017 informed him that the whole college and hospital side had got submerged in the flash floods of September, 2014. The appellant rebutted this contention stating that somewhat similar information

pertaining to the year 2011-2012 was given under RTI Act to one of his friends viz Mr. Irfan Nawab vide letter dated 15-04-2017.

**Decision:-**

Records were perused and parties heard. The appellant expressed his lack of satisfaction with the reply of the PIO and the FAA that all records pertaining to the period had got damaged/destroyed in the 2014 floods, when the entire office complex got submerged. To prove his point, the appellant presented copy of the Advertisement dated 15-09-2011 and the copy of appointment order dated 24-03-2012 issued vide G.O. No. 32-SKIMS of 2012. He therefore, contended that if he could obtain a copy of this order from his own source/college/friends, then how come the SKIMS Medical College does not have any reference available pertaining to the information sought vide his present RTI application.

After consideration of this contention of the appellant that whole record has not got damaged during the September, 2014 floods and that the requisite information/records are possible to be located, the PIO was then asked to sift through the records available with the SKIMS Medical College and sister organizations including SKIMS Hospital Administration and the H&ME Department, Civil Secretariat, compile the information that is possible to be compiled and provide the requisite information to the appellant within a period of thirty days from the date of receipt of this order in terms of the provisions of the J&K RTI Act, 2009 and the Rules thereof. The PIO agreed to have the

relevant records located or obtained as per the directions of the Commission.

With these directions, the 2<sup>nd</sup> appeal filed before the Commission is disposed of.

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

Copy to the:-

1. Public Information Officer (PIO)/ Medical Superintendent, SKIMS Medical College, Bemina, Srinagar
2. Appellant- Dr. Suhail Amin Patigaroo R/o H No.77 Alnoor Colony (West) Bypass Hyderpora
3. Office file

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