



**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](http://www.jksic.nic.in)  
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**Before the Chief Information Commissioner, JKSIC, Srinagar**

**File No. SIC/K/SA/13/2016**  
**Decision No: SIC/K/SA/13/2016-2017/42**

**Subject:** Proceedings under Section-17 of the J&K RTI Act, 2009 in the 2nd Appeal titled Mohammad Ishaq Mapnoo V/s the then PIO/Executive Officer Municipal Committee Bandipora, Mr Shakeel Ahmad Shah

Whereas, Shri Mohammad Ishaq Mapnoo S/o Gh. Mohammad Mapnoo R/o Ajar Bandipora had filed 2nd appeal before the State Information Commission (SIC) on 20.01.2016 alleging that the PIO Municipal Committee, Bandipora had failed to respond to his RTI application filed on 20.08.2015 within the time period as stipulated under the J&K RTI Act, 2009. Thereafter, the FAA had also not provided him the information so sought.

Whereas, the 2<sup>nd</sup> appeal was disposed of by the Commission vide order dated 22.03.2016 interalia with the following directions:

*“In view of above, Mr. Shakeel Ahmad, the then Executive Officer, MC Bandipora at present attached with DC Office Baramulla is directed to explain as to why proceedings under Section 17 of the J&K RTI Act, 2009 shall not be initiated*

*against him for delay in disposing of the RTI application beyond mandatory period as per the Act. His explanation, if any, should reach the Commission within two weeks.”*

Whereas, the said the then PIO/Executive Officer, Municipal Committee, Bandipora Shri Shakeel Ahmad Shah vide various notices from the Commission dated 01.06.2016, 18.10.2016 and 20.01.2017 was informed to explain his position viz-a-viz the above directions of the Commission;

Whereas, the said the then PIO in question vide his communication received in the Commission on 20.02.2017 has given his explanation in pursuance to the above directions of the Commission;

Whereas, vide notice of the Commission dated 27.02.2017, the said the then PIO was informed that his explanation is not in consonance with the above referred directions of the Commission;

Whereas, the said the then PIO submitted one more explanation dated 20.03.2017 which was received on 27.03.2017;

Whereas, the reasons cited in his defence by the said the then PIO Mr Shakeel Ahmad Shah have not been found to be relevant and convincing in so far these relate to the handling of the RTI application filed by Shri Mohammad Ishaq Mapnoo in Municipal Committee Bandipora on 20.08.2015 as these (reasons) relate to some dispute between the appellant and another party about whom the appellant as RTI applicant had sought information and does not explain the delay and non-disposal of the RTI application in question;

Whereas, Mr Shakeel Ahmad Shah, the then PIO was given an opportunity of being heard personally on 11.08.2017. Subsequently, he was again heard personally today on 19.09.2017. However, he could not give any convincing or reasonable ground for not disposing of the RTI application under consideration within the stipulated period provided under Section 7(1) of the J&K RTI Act, 2009;

Whereas, the undersigned has gone through the record on the file and also heard the respondent Shri Shakeel Ahmad Shah, the then PIO/Executive Officer,, Municipal Committee Bandipora;

Whereas, it is apparent that the PIO knowingly sat over the RTI application and did not furnish the requisite information within the time specified under Section 7(1) of the J&K RTI Act, 2009;

Whereas, the facts and circumstances of the case call for imposition of penalty under Section 17 of the J&K RTI Act, 2009;

Whereas, it is learnt that the PIO in question Shri Shakeel Ahmad Shah against whom these proceedings have been initiated is presently under suspension and attached in the office of Deputy Commissioner , Baramulla for more than a year and is in receipt of subsistence allowance and not the full salary;

Whereas, Section 17(1) calls for payment of penalty up to to a maximum of Rs 25,000 (Rupees twenty five thousand) by the erring PIO;

Whereas, keeping in view the fact that the respondent PIO is already under suspension and receiving only the subsistence allowance;

Now, therefore, in exercise of powers under Section 17(2) of the J&K RTI Act, 2009 and in the light of the grounds given above, I, Chief Information Commissioner, J&K SIC recommend disciplinary action under Service Rules against Shri Shakeel Ahmad, the then PIO and the then Executive Officer, MC Bandiopora at present attached with DC Office Baramulla.

A copy of this order be served on Director Local Bodies, Kashmir with a copy to Deputy Commissioner, Baramulla for further necessary action.

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

Copy to the:-

1. Deputy Commissioner, Baramulla
2. Director Local Bodies Kashmir
3. Mr Shakeel Ahmad Shah the then PIO/Executive Officer Municipal Committee Bandipora A/p attached in the O/o Deputy Commissioner, Bandipora
4. Office file

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