



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

www.jksic.nic.in

File No. SIC/K/SA/36/2017

Decision No. No. SIC/K/SA/4362017/46

Final Order

Appellant:

Shri Riyaz Ahmad Bhat
S/o Sona-Ullah Bhat
R/o Nunar Ganderbal

Respondent:

Joint Director-cum-First Appellate Authority
(FAA)/Public Information Officer (PIO)
Directorate of School Education, Srinagar

Date of Registration : 14.06.2017

Date of Decision : 05-10-2017

Brief Facts:

The brief facts of the 2nd appeal are that Shri Riyaz Ahmad Bhat S/o Sonallah Bhat R/o Nunar Ganderbal has filed 2nd appeal before the State Information Commission (SIC) on 14-06-2017 against the disposal of his first appeal and the RTI application by the FAA and PIO (Directorate of School Education, Kashmir) respectively. The appellant has alleged that in response to his RTI application dated 14-02-2017, PIO provided him the

information that was not matching with his application. Thereafter, he filed first appeal and the FAA again provided him irrelevant information. The appellant has requested the SIC to direct the concerned department/PIO to provide him correct and relevant information.

As per records of the 2nd appeal, the appellant vide RTI application filed before PIO on 14-02-2017 has sought information on various issues regarding his suspension case forwarded by the Chief Education Officer, Ganderbal to Directorate of School Education, Srinagar, Kashmir on 24-03-2015. The RTI application of the appellant was replied by the PIO vide letter dated 13-03-2017 within the stipulated time period. Not satisfied with the reply of the PIO, the appellant filed first appeal before FAA/Joint Director, Directorate of School Education Kashmir on 03-04-2017. The FAA has disposed of the first appeal vide order dated 19-04-2017 and forwarded the information received from the litigation section to the appellant vide letter dated 19-04-2017. Not satisfied with the response of the FAA, the appellant filed the 2nd appeal before the SIC on 14-06-2017.

Proceedings before the SIC:

The time limit for disposal of this 2nd appeal was extended by another 60 days w.e.f. 14.08.2017 in terms of Section 16 (11) of the RTI Act to ensure more, appropriate and judicious disposal.

The 2nd appeal was partly heard on 16-08-2017 when PIO/FAA were also present. In pursuance to the directions of the Commission, the respondent FAA and PIO vide communication dated 08-09-2017 addressed to Joint Registrar of the Commission with copy to appellant have given factual position regarding suspension of the appellant. However, it was observed that the information provided to the appellant/applicant was not pointwise/parawise.

The 2nd appeal was again heard by the Commission on 21-09-2017 and the following order was passed:-

“Mr. Saif Ali Chouhan, FAA Jt. Director School Education Department, Kashmir, Shri Zahoor Ahmad Banday, PIO DSE (K) and appellant Shri Riyaz Ahmad Bhat attended the hearing.

During the hearing, it was noticed that the PIO has yet to comply with the directions of the Commission passed in its interim order dated 16-08-2017. A fresh point wise reply has yet to be provided to the appellant.

The hearing in the 2nd appeal is accordingly adjourned with directions to the PIO to comply with the directions of the Commission dated 16-08-2017 within one week positively under an intimation to the Commission.

The 2nd appeal came up for final hearing today on 05-10-2017. Mr. Z. A. Banday PIO DSEK attended the hearing. The appellant did not attend. During the proceedings, the PIO submitted that in compliance with the directions of the Commission, pointwise response to all the queries of RTI application of the appellant has been provided to him vide letter No. DSEK/RTI/F-640/819-20 dated 21-09-2017 with a copy to Commission.

Decision:

The Commission has gone through pointwise reply provided by the PIO. The reply seems to be in order and in the form (parawise) as has

been asked for by the appellant (then applicant). No further action is now needed in the matter. The 2nd appeal is accordingly disposed of.

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

Copy to the:-

1. FAA/Jt. Director Directorate of School Education Department, Kashmir
2. PIO/O/o Directorate of School Education Department, Kashmir
3. Appellant- Sh. Riyaz Ahmad Bhat S/o Sona-Ullah Bhat R/o Nunar Ganderbal.
4. Office file.

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