



**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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File No. SIC/K/SA/41/2017  
Decision No. SIC/K/SA/41/2017/47

Appellant : Sh. Tazir Hassan Gojri

Respondent : Principal Govt. Medical College  
Srinagar-cum-First Appellate Authority  
(FAA)/Medical Superintendent, SMHS  
Hospital-cum-Public Information  
Officer (PIO) Govt. Medical College,  
Srinagar

Date of Registration : 12.07.2017

Date of Decision : 04-10-2017

**Brief Facts:**

Brief facts of this 2<sup>nd</sup> appeal are that Mr. Tazir Hassan Gojri (appellant) has filed appeal against the disposal of his RTI application and first appeal by the PIO/Medical Superintendent, SMHS Hospital and FAA/Principal, Govt. Medical College, Srinagar respectively. The appellant has filed the appeal on the grounds that neither PIO nor FAA has provided to him the information sought vide his RTI application filed on 15-02-2017. The appellant has requested the State Information Commission (SIC) to

direct the concerned PIO to provide him the information sought without further delay.

As per records attached with the 2<sup>nd</sup> appeal, the appellant vide RTI application dated 14-02-2017 has sought information on nine queries from PIO/ Medical Superintendent, SMHS Hospital Srinagar pertaining to the treatment of patient namely Farooq Ahmad Gojri admitted in the hospital under MRD No. 90079. On 25-01-2017. On 27-03-2017, the appellant filed first appeal before FAA/Principal, GMC Srinagar against the inaction of the PIO. Thereafter, on 21-06-2017 the appellant filed 2<sup>nd</sup> appeal before the SIC on the grounds that both PIO as well as FAA have failed to provide him the information sought.

On scrutiny of the 2<sup>nd</sup> appeal and documents, some deficiencies were found which the appellant got completed and accordingly 2<sup>nd</sup> appeal was admitted on 12-07-2017.

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

The 2<sup>nd</sup> appeal was partly heard by the Commission on 17-08-2017 when PIO/FAA were also present and following directions were passed:-

1. The PIO is directed to file reply/counterstatement to the 2<sup>nd</sup> appeal forwarded to his office vide notice of the SIC dated 27-07-2017 before the next date of hearing.
2. The appellant is directed to peruse the information provided by the PIO during the hearing and to file rejoinder, if any, within two weeks time with a copy to the PIO.
3. Registry is directed to list the case on the next available date.

In compliance to the above directions, the appellant Shri Tazir Hussain Gojri filed rejoinder dated 07-09-2017 received in the SIC on 13-09-2017. The appellant in his rejoinder has stated that the PIO SMHS has provided him the information only after the intervention of SIC but the information is incomplete, tailored and not based on facts. Besides the appellant has made allegations of professional misconduct of doctors while treating the patient who was admitted under MRD No. 90079 on 25-01-2017.

The time limit for disposal of the 2<sup>nd</sup> appeal was extended by another 60 days in terms of Section 16 (11) of the RTI Act to enable more hearings for appropriate and judicious disposal of the appeal.

The 2<sup>nd</sup> appeal came up for hearing again today on 04-10-2017. Dr. Mr Muhammad Saleem Tak, the new PIO and the appellant Mr. Tazir Hassan Gojri attended the hearing.

During the proceedings, the PIO submitted that complete information as per records was provided to the appellant during the proceedings on 17-08-2017. The appellant again submitted that the information provided to him is not based on records and is incomplete. However, he could not substantiate as to how the information provided to him by the PIO which is based on hospital records, is incomplete, tailored or not based on facts.

**Decision:**

Parties were heard at length and records perused. The Commission has gone through the queries of the RTI application and the information provided to the appellant by the PIO. Further, the rejoinder filed by the appellant before the Commission on 13-09-2017 was perused. Although the appellant has raised few new issues but these do not relate to the basic

RTI application because the information sought by him has now been provided. Notwithstanding this, the PIO is directed to examine the rejoinder submitted by the appellant on 13-09-2017 (copy enclosed) and provide the balance information, if any, strictly as per the original application and the RTI Act and the Rules. The second appeal is accordingly disposed of with an advice to Principal, GMC, Srinagar as Head of the Public Authority (Govt. Medical College Srinagar and the Associated Hospitals) under section 22 (5) to ensure that RTIs filed with the Medical College and Associated Hospitals are attended to strictly in terms of the provisions of the Act and the Rules made thereunder and that administrative arrangements like RTI Cell etc. are in place to facilitate the information seekers under the said Act.

With these directions, the 2<sup>nd</sup> appeal filed before the Commission is disposed of. Registry to send copies of this order to all concerned.

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

Copy to the:-

1. FAA/Principal GMC Srinagar
2. PIO/Medical Superintendent, SMHS Hospital Srinagar
3. Appellant-Sh. Tazir Hassan Gojri S/o Gh. Hassan Gojri R/o New Colony Batmaloo near Crown Printing Press, Srinagar
4. Office file.

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