



**Jammu and Kashmir State Information Commission**

شہنیشن کمیٹی 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](http://www.jksic.nic.in)

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File No. SIC/J/A/42/2017

Decision No. SIC/J/A/42/2017/48

**Final Order**

(Second Appeal)

- Appellant : Sh. Arshad Ahmed
- Respondents : First Appellate Authority (FAA)/  
Director Health Services (DHS), Jammu and  
Public Information Officers (PIOs)/Chief Accounts  
Officer, DHS, Jammu & Medical Superintendent,  
Government District Hospital, Rajouri.
- Date of Registration : 05.06.2017
- Date of Decision : 05.10.2017

**Brief Facts:**

The appellant Sh. Arshad Ahmed, S/o. Sh. Shah Jahan, R/o. Manyal Thannamandi, District Rajouri while exercising his right to information under the J&K Right to Information Act, 2009 filed an RTI application with the PIO/Chief Accounts Officer, Directorate of Health Services, Jammu on 13.12.2016 interalia seeking information on 16 points.

Aggrieved by the non response of the PIO, he first filed First Appeal with the FAA of the Health and Medical Education Department, Civil

Secretariat who vide his order dated: 24.01.2017 directed the appellant to file First Appeal with the FAA of the Directorate of Health Services, Jammu. Accordingly, the appellant filed First Appeal before the FAA/Director, Health Services, Jammu on 07.02.2017. The First Appellate Authority of DHS, Jammu also did not provide the requisite information to him. At last, he approached the State Information Commission (SIC) by filing the 2<sup>nd</sup> appeal against the above mentioned respondents which was finally admitted in the SIC after completion of deficiencies on 05.06.2017.

### **Proceedings:**

The case was listed for hearing for the first time on 04.08.2017. The hearing was attended by Dr. Sanjeev Puri, Assistant Director (Schemes), Health Services, Jammu (on behalf of FAA) and Dr. Rakesh Kumar Sharma, Deputy Medical Superintendent, District Hospital, Rajouri (on behalf of the PIO). The appellant also attended. The case was adjourned with the following directions:

***"The FAA, PIO of the Directorate of Health Services, Jammu and Medical Superintendent, Government District Hospital, Rajouri are accordingly directed to remain present on the next date of hearing. The Medical Superintendent, Government District Hospital, Rajouri (PIO) is also directed to produce documentary evidence regarding despatch of information to the appellant (RTI applicant) on the next date of hearing."***

This 2<sup>nd</sup> appeal was admitted in the SIC on 05.06.2017 but owing to the need for conduct of more hearings for appropriate and final disposal of the appeal, the time period for disposal was accordingly extended by

another 60 days up to a maximum of 120 days from the date of admission of the appeal in terms of Section 16 (11) of the J&K RTI Act, 2009.

The case was again listed for hearing on 25.09.2017. The hearing was attended by Dr. Mehmood Hassan, Medical Superintendent, District Hospital Rajouri, Dr. Ajay Kumar Gupta, Dy. Director Health Services, Jammu and the appellant through video Conferencing from Jammu office of the SIC. Following directions were issued on the conclusion of the hearing:

***"Medical Superintendent District Hospital, Rajouri will provide the information from the available record after the appellant deposits the photocopying charges. Balance amount will be refunded to the appellant if the photocopying charges are less than Rs. 2500/-.***

***The hearing in the 2<sup>nd</sup> appeal is adjourned. Registry to list the 2<sup>nd</sup> appeal for hearing on 5<sup>th</sup> October, 2017 through video conferencing from Jammu office of the Commission at 12 noon. The respondent FAA, Director Health Services, Jammu along with PIO/Chief Accounts Officer, DHS, Jammu besides Medical Superintendent, District Hospital, Rajouri are directed to attend the hearing on the next date of hearing so fixed and also submit upto date status of the information provided so far to the appellant."***

During hearing today on 05.10.2017 Dr. Ajay Kumar Gupta, Deputy Director, Health Services, Jammu and Dr. Mehmood Hussain, PIO/Medical Superintendent, District Hospital, Rajouri attended the hearing through Video Conferencing from Jammu office of the Commission. Sh. Shah

Jahan, father of the appellant and representing him also attended the hearing through Video Conferencing from NIC, Rajouri.

The representative of the appellant submitted that the photocopying charges have been deposited with the District Hospital Rajouri.

The PIO/Medical Superintendent, District Hospital, Rajouri submitted that they have compiled the requisite information and are ready to furnish the same to the appellant.

**Directions:**

- 1. In view of the submissions of the PIO/Medical Superintendent and the representative of the appellant, the PIO/Medical Superintendent, District Hospital, Rajouri is now directed to provide the requisite information compiled by him within 03 days from the date of receipt of this order under the provisions of the J&K RTI Act, 2009.**
- 2. The Public Authority/Director of Health Services, Jammu will take necessary steps to familiarize the officers and officials under the charge of the Directorate of Health Services, Jammu with the provisions of the J&K RTI Act, 2009 and particularly the PIOs and the FAAs so that the RTI applicants do not have to run from pillar to post to obtain the information under the J&K RTI Act.**

With these directions the second appeal is 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

No: SIC/J/A/42/2017

Dated: . . .2017

Copy to:

1. Registrar, J&KSIC for information and necessary action.

2. FAA/Director, Health Services, Jammu for information and necessary action.
3. PIO/Chief Accounts Officer, O/O Director, Health Services, Jammu for information and necessary action.
4. Medical Superintendent, Government District Hospital, Rajouri for information and n/a.
5. Private Secretary to HCIC for information of the HCIC.
6. Appellant/Sh. Arshad Ahmed, S/o. Sh. Shah Jahan, R/o. Manyal Thannamandi, District Rajouri.
7. Office file.

(Rita Koul)  
Deputy Registrar  
J&K State Information Commission