



## 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/56/2017

Decision No. No. SIC/K/SA/56/2017/50

Appellant: Mr. Muhammad Salim Chalak S/o Abdul  
Rashid Chalak R/o Shribhat, Alamgari Bazar,  
Srinagar

Respondent: First Appellate Authority (FAA)/Commissioner,  
Srinagar Municipal Corporation

Public Information Officer (PIO)/Secretary,  
Srinagar Municipal Corporation

Date of Registration : 21-08-2017

Date of Decision : 18-10-2017

### **Brief Facts:**

Brief facts of the 2<sup>nd</sup> appeal are that the appellant Mr. Muhammad Salim Chalak has filed 2<sup>nd</sup> appeal before the Commission against Commissioner, SMC/FAA and PIO/SMC Srinagar on 01-06-2017. The appellant has alleged that the PIO has failed to provide him information sought vide application dated 03-10-2016 within stipulated time. Thereafter, he filed first appeal before FAA on 28-12-2016, but FAA too failed to

provide him the requisite information. As such, he suffered irreparable loss which cannot be compensated by any mode or manner. The appellant has requested the Commission to direct the concerned PIO to provide him access to the information sought and compensate him for the loss suffered by non-action on the part of respondents.

On scrutiny of documents, the 2<sup>nd</sup> appeal was found to be barred by limitation in terms of section 16 (4) of J&K RTI Act, 2009. Subsequently, the appellant filed an application for condonation of delay on 10-08-2017. The Commission was pleased to condone the delay and accordingly 2<sup>nd</sup> appeal was admitted on 21-08-2017.

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

The 2<sup>nd</sup> appeal was partly heard by the Commission on 20-09-2017 and on that date, Standing Counsel of the SMC had stated that he will file reply/counterstatement to the 2<sup>nd</sup> appeal before next date of hearing with copy to the appellant. The PIO SMC vide letter dated 16-10-2017 informed the Commission that in compliance to directions of the Commission, the requisite information stands provided to the appellant through Ward Officer, concerned.

The 2<sup>nd</sup> appeal came up for hearing today on 18-10-2017. Mr. Hilal Ahmad Deewani PIO/Secretary, SMC, Srinagar, Mr. Mudasir Hussain Banday APIO, SMC and appellant Mr. Muhammad Salim Chalak attended the hearing. During proceedings before the Commission, the PIO submitted that the information has been provided to the appellant. The appellant admitted to have received the information and informed the Commission that he is satisfied with the same. However, he pointed out that the Ward Officer of Ward No. 10 in his letter dated 14-10-2017 addressed to PIO/SMC has mentioned name of the applicant as Shahida Hussain Allie R/o Mohalla Syed Afzal Sheri Bhat Srinagar, besides the copy of

information is neither addressed to him nor made as copy to him. The PIO stated that necessary correction in the communication dated 14-10-2017 will be made and provided to the appellant through prescribed mode of service.

**Decision:**

Heard parties at length and perused records of the file. The appellant submitted that the information received by him is complete and satisfactory. However, his name is not mentioned in the information nor any covering letter has been addressed to him.

The PIO SMC is directed to provide fresh copy of the information addressed to the appellant within 15 days from receipt of this order.

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

**Sd/-**  
**(Mohammad Ashraf Mir)**  
State Information Commissioner

Copy to the:-

1. FAA/Commissioner SMC Srinagar
2. PIO/Secretary SMC Srinagar
3. Appellant—Sh. Muhammad Salim Chalak S/o Ab. Rashid Chalak R/o Shribhat, Alamgari Bazar, Srinagar
4. Office file.

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