



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

File No. SIC/CO/SA/488/2017

Decision No. SIC/CO/SA/488/2017/993

Final Order

Appellant : Sh. Abdul Rashid Khan.
Respondent : FAA/PIO, J&K State Paramedical Council (SPMC).
Date of decision : **16-10-2017**
Decision : Appeal disposed of.

Facts:

Briefly the facts of this case are that the appellant filed RTI application dated 11-04-2017 with Public Information Officer, (PIO), Registrar O/o President Dean J&K State Paramedical & Nursing Council GMC, Jammu/Srinagar seeking the following information:

1. All the photo copies of the references as quoted and displayed in the print media Daily GK dated 27-03-2017 [cutting enclosed] by the concerned M D/Principle C.H.S. Training Center Hyderpora Bye Pass Srinagar.
2. Photo state copy of the N.O.C order No 126-HME of 2017 dated 27-03-2017 as issued by the concerned Administrative Deptt.
3. Photo state copy of the affidavit obtained and filed by the concerned as is reflected in the endorsement at serial No 2 in the Govt order No. 126-HME of 2017 dated 27-03-2017.
4. Pursuant to the constitution of the Para Medical Council Regulatory Authority Act 2013 by the Govt, photo state copy of the minutes/recommendations of the members of the concerned council in respect of the process of the N.O.C as issued by the Administrative Deptt under G.O No 126-HME of 2017 dated 27-03-2017 to this effect Satisfactory information with reference to order 515-HME of 2013 dated 12-05-2013/ may kindly be provided.
5. In violation of G.O No 86-HME of 2008 dated 25-01-2008, as well the inspection report of the constituted members, constituted by the vice president SPMC GMC Sgr vide office order No 103-SPMC of dated 13-03-2016, recommendations of the Presidents SPMC [GMC] Jammu in the case at serial No 4 above information to this effect may please be provided.
6. In terms of order No. 147-SPMC of 2016 dated 08-06-2016 as issued by the Vice President J&K State PMC Srinagar continents self explanatory, recommendation of the President SPMC [GMC] Jammu at 1 and 4 above to this effect information may please be provided.

As per the record, the PIO, J&K SPMC(GMC) Jammu vide letter dated 19-04-2017 asked the Principal/Dean, Vice President J&K SPMC(GMC), Srinagar to provide him the consolidated information.

The appellant filed 1st appeal dated 15-05-2017 with the President/Vice President/First Appellate Authority (FAA) J&K SPMC, GMC Jammu/Srinagar, when he did not get the information from the PIO. The FAA vide his communication dated 17-06-2017, informed the appellant that he has already been provided the information vide communication dated 17-05-2017 and 01-06-2017 by Srinagar and Jammu offices of the SPMC respectively.

Aggrieved by the order of the FAA, appellant filed 2nd appeal with the Commission received on 31-07-2017 thereby requesting that the Commission may dealt the respondents for providing him the requisite information sought by him through his basic RTI application.

Proceedings before the Commission on 16-10-2017:

1. The case came up for hearing before the SIC today on 16-10-2017.
2. The hearing was attended by Dr. Abdul Rasheed Budoo, Controller Examination State Paramedical & Nursing Council (SPMC)/PIO and appellant Dr. Sandeep Singh Registrar/PIO SPMC, Jammu attended through video conferencing from Jammu office of the Commission.
3. Appellant submitted that only part information has been provided to him and the necessary information sought by him is yet to be provided.
4. In response, respondents stated that appellant has been provided information vide their office communication dated 17-05-2017 directly and also in response to the letter received from PIO J&K State Paramedical & Nursing Council, GMC, Jammu on 01-06-2017.
5. SIC heard the parties and also perused the record.

Directions:

SIC observes that the appellant has not been provided all the information sought by him. First Appellate Authority (FAA) has issued communication dated 17-06-2017 but the same is not as per the provisions of the J&K RTI Act, 2009, pertaining to disposal of 1st appeal which expects conduct of 1st appeal proceedings by giving opportunity of being heard to all the parties.

FAA is an important authority under the scheme of the Act. The proceedings before him/her are not to be routine but have to be truly appellate in nature while giving opportunity of being heard to all the parties and upholding the principles of natural justice. FAA is therefore, advised to remain careful in future.

Taking an overall view of the matter, both the PIOs i.e PIO, GMC Srinagar/Jammu are directed to provide the balance information after excluding the

information already provided in terms of his previous RTI applications within a period of 30 days from the date of receipt of this order.

The 2nd appeal is accordingly disposed of subject to the above directions.

The copies of the order be given free of cost to the parties.

-sd/-

(Khurshid A. Ganai) **IAS Retd.**,
Chief Information Commissioner,
J&K State Information Commission.
/imi/

Copy to the:

1. First Appellate Authority (FAA) State Paramedical Council, GMC Srinagar/Jammu for information and compliance.
2. Public Information Officer (PIO), State Paramedical Council, GMC Srinagar/Jammu for information and compliance.
3. PS to CIC for information of HCIC.
4. Sh. Abdul Rashid Khan, S/o Mohammad Rajab Khan, R/o Gulberg Colony, Hyderpora, Bye Pass, Srinagar.
5. Guard file.

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