



**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**

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File No. SIC/K/SA/39/2017  
Decision No. SIC/K/SA/39/2017/**48**

Final Order

Appellant : Sh. Malik Muhammad Mushtaq  
Respondent : First Appellate Authority (FAA)/General  
Manager J&K PCC, DGM/PIO (Hqrs)  
J&K PCC, DGM/PIO Unit 12<sup>th</sup> Pulwama  
Date of Registration : 07.07.2017  
Date of Decision : 11-10-2017

**Brief Facts:**

Brief facts of this 2<sup>nd</sup> appeal are that the appellant Sh. Malik Muhammad Mushtaq filed the 2<sup>nd</sup> appeal before the State Information Commission (SIC) on 26.05.2017 stating that he filed an RTI application dated 24.11.2016 before the PIO/J&K High Court and the PIO/Hon'ble High Court vide No.25407/RTI dated 13.12.2016 transferred the same to the respondents for providing the information directly to the appellant. That the respondent PIO furnished the information to the appellant vide

No.DGM/12<sup>th</sup>/RTI/1402-03 dated 23.01.2017, but the information provided was misleading, ambiguous and incomplete. Thereafter, the appellant filed the First Appeal before the First Appellate Authority/General manager JKPCCLtd. Srinagar, but till date the appellant has not received any order in the said First Appeal. The appellant has requested the Commission to direct the respondents to furnish complete information without any ambiguity without further delay.

As per the records of the 2<sup>nd</sup> appeal, the appellant vide RTI application dated 24.11.2016 has sought information on 15 points pertaining to the construction of court complex at Tanchi Bagh, Namblabal Pampore. The PIO J&K High Court vide letter dated 13.12.2016 forwarded the application under Section 6(3) of the J&K RTI Act, 2009 to the DGM, JK PCC/PIO, Pulwama with the request to provide the information directly to the appellant. The PIO vide letter dated 23.01.2017 has provided point wise response to the queries of the application to the appellant. Not satisfied with reply of the PIO, the appellant filed the First Appeal before the FAA on 06.02.2017. Thereafter, the appellant has filed the instant 2<sup>nd</sup> appeal against the inaction of the FAA.

On scrutiny of the 2<sup>nd</sup> appeal, some deficiencies were found and the appeal was barred by limitation as well. The appellant completed the deficiencies and the delay was condoned by the Commission and accordingly, the 2<sup>nd</sup> appeal was admitted on 07.07.2017

**Proceedings before the Commission:**

In response to the notice of the Commission, Er. Gh. Hassan Dar DGM Unit 12<sup>th</sup> J&K PCC Ltd. Pulwama/PIO filed reply/counterstatement to

the 2<sup>nd</sup> appeal dated 26.07.2017. In his counterstatement the PIO has submitted that the RTI application of the appellant was received in his office on 10.01.2017 which was responded vide letter dated 23.01.2017 and the information as per the records of the unit was provided to the information seeker. The 2<sup>nd</sup> appeal was heard by the Commission on 08.08.2017. Mr Harkewal Singh, General Manager JKPC/First Appellate Authority (FAA), Mr. Shahnawaz Khan, DGM, PIO (Hqrs) JKPC, Er. Gh. Hussain Dar, DGM/PIO JKPC Unit 12th Pulwama and the appellant Advocate Malik Mohammad Mushtaq attended the hearing. The PIO submitted that the information sought by the appellant has been provided to him vide letter dated 23.01.2017. The appellant admitted to have received the said information. He however, alleged that the reply of the PIO with respect to queries 3, 5, 8, 9, 10, 13 and 14 of his basic RTI application is incomplete and misleading.

The PIO invited the attention of the Commission towards the fact that the appellant has filed one more RTI application with the same contents before the PIO, Department of Law, Justice and Parliamentary Affairs, Civil Secretariat, which was forwarded to him (PIO, JKPC) under Section 6(3) of the J&K RTI Act, 2009 by the PIO, Department of Law, Justice and Parliamentary Affairs, Civil Secretariat. The appellant admitted to have filed another RTI the same and informed that he has not approached the PIO of J&K PCC for disposal of that application because he is aware that repeat RTIs with same content cannot be filed with same or different Public Authorities.

The appellant submitted that he has filed the 2<sup>nd</sup> appeal in respect of the RTI application dated 24.11.2016 filed before PIO/Jt. Registrar, J&K

High Court Srinagar which was transferred under Section 6(3) of the J&K RTI Act to the DGM JKPCCLtd./PIO Pulwama vide letter dated 13.12.2016.

The appellant as an Advocate practicing in the Munsif Court, Pampore expressed serious concern about the condition of the court building constructed by the J&K PCC at Pampore during 2010-13 but now damaged, dilapidated and lying unused since the floods of 2014. He informed that his RTI queries pertain to this building because he feels that J&K PCC/construction agency has committed a number of irregularities during the construction.

The parties were heard and records perused. The hearing of the 2nd appeal was adjourned interalia with the following directions:

*“PIO is directed to go through the original RTI application of the appellant and provide fresh response/reply with respect to queries 3, 5, 8, 9, 10, 13 and 14 of the basic RTI application of the appellant under an intimation to the State Information Commission before the next date of hearing.”*

The first 60 days since the date of filing of this 2nd appeal expired on 05-09-2017. But in view of the need for conduct of more hearings for appropriate and judicious disposal of the appeal, the time period for disposal was extended by another 60 days upto 04-11-2017 in terms of Sub-section-11 of Section-16 of the J&K RTI Act, 2009.

**Decision:**

This 2nd appeal came up for hearing today on 11.10.2017. Masood Ahmad Gangoo, DGM Unit 12th Pulwama/ Mr. Shahnawaz Khan, DGM (Adm)/ PIO (Hqrs) JKPCCL Srinagar attended the hearing. The appellant did not attend. In pursuance of SIC's interim order dated 08.08.2017, the respondents provided certain information to the appellant vide letter No.DGM/12/RTI/962-64 dated 28.08.2017. However, the appellant has requested vide his fresh representation dated 31.08.2017 that the PIO may be directed to provide fresh response/reply with respect to queries 1, 2, 4, 6, 7, 11, 12 & 15 instead of queries 3, 5, 8, 9, 10, 13 and 14 as directed in the interim order of the SIC dated 08.08.2017. He has also requested for amendment of the interim order dated 08.08.17 to that extent.

With a view to avoid confusion about the queries to be replied afresh and with a view to dispose of this 2<sup>nd</sup> appeal judiciously and finally, the respondents are directed to provide updated response/reply to all the queries in the RTI application of the appellant within a period of 30 days from the date of receipt of this order.

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

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

Copy to the:-

1. General Manager ( C )/FAA JKPCCL Ltd Srinagar

2. DGM (Adm)/ PIO (Hqrs) Srinagar JKPCC Ltd Srinagar
3. PIO/DGM Unit 12<sup>th</sup> J&K PCC Pulwama
4. Appellant-Sh. Malik Mohammad Mushtaq (Advocate) C/o Munsif Court Pampore R/o Drangabal Pampore
5. Office file.

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