



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

www.jksic.nic.in

File No. SIC/K/SA/65/2017

Decision No. SIC/K/SA/65/2017/73

Final Order

Appellant: Mannan Bukhari R/o Bagati Kanipora

Respondent: First Appellate Authority (FAA)/Public Information Officer (PIO)/SMHS Hospital, Srinagar

Date of Registration : 23-08-2017

Date of Decision : 22-11-2017

Brief Facts:

The brief facts of this 2nd appeal are that the appellant Mannan Bukhari has filed the 2nd appeal before the Commission on 23-08-2017 against the First Appellate Authority (FAA)/Public Information Officer (PIO) SMHS Hospital, Srinagar alleging therein that the PIO has failed to

provide the information to the appellant sought vide RTI application dated 24-02-2017. Thereafter, the appellant filed first appeal before FAA on 27-05-2017. As both the FAA/PIO have failed to provide the information to the appellant sought by him, the appellant filed the instant 2nd appeal.

The 2nd appeal came up for hearing for the first time on 04-10-2017 and during the proceedings, the appellant submitted that no information was provided to him by the FAA/PIO. However, the PIO/Medical Superintendent, SMHS Hospital, Srinagar has submitted that though he had recently taken over the charge of Medical Superintendent, SMHS Hospital, Srinagar, he has got the information compiled and provided the same to the appellant during the proceedings. During the proceedings, the Commission observed that the information compiled by the PIO is voluminous and should have been prepared in a summarized and understandable format in terms of the spirit of section 7 (9) of the Act. Accordingly, the PIO was directed to summarize the information on few pages in a proper and understandable format which should then be provided to the appellant. Meanwhile, an explanation was called under section 17 of the J&K RTI Act from the then PIO/Medical Superintendent, SMHS Hospital, Srinagar Dr. Nazir Ahmad Choudhry for not providing the requisite information to the appellant within the stipulated time as per the provisions of the Act.

In compliance to the directions of the Commission, the PIO vide letter No. RTI/SMHS/4783-84 dated 23-10-2017 addressed to the appellant has provided the requisite summarized information to the appellant.

The 2nd appeal again came up for hearing today. Dr. Muneer Ahmad, Deputy Medical Superintendent, SMHS Hospital, Srinagar/PIO attended the hearing. However, the appellant did not attend the hearing. During proceedings, the PIO submitted that in compliance to the directions of the Commission, summarized information has been provided to the appellant.

The appellant has neither attended the hearing nor filed any rejoinder vis-à-vis the information provided to him vide communication dated 23-10-2017, implying thereby that he is satisfied with the information provided as directed by the Commission on 04-10-2017. As such, there remains nothing to adjudicate in this appeal.

Before parting with this case, it is to mention here that in compliance to the directions of the Commission passed vide order dated 04-10-2017, the then PIO Dr. Nazir Ahmad Choudhary has filed his explanation vide communication No. CDH/RTI/2017/1411 dated 23-10-2017 giving reasons for not disposing of the RTI application within the stipulated time. The explanation is taken on record. The Commission is satisfied that there is no willful delay on the part of the then PIO. As such, his explanation is accepted. However, he is

directed to be careful in future in disposing of the RTI applications.

With the above observations, the 2nd appeal is accordingly disposed of.

Sd/-
(Mohammad Ashraf Mir)
State Information Commissioner

Copy to:-

1. First Appellate Authority (FAA)/Public Information Officer (PIO)/SMHS Hospital, Srinagar
2. Mannan Bukhari R/o Bagati Kanipora

(M. S. Bhat)
Deputy Registrar,
J&K State Information Commission,
Srinagar