



## 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

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[www.jksic.nic.in](http://www.jksic.nic.in)

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File No. SIC/K/SA/52/2017

Decision No. SIC/K/SA/52/2017/74

### Final Order

Appellant: Mr Irfan Nawab S/o Ghulam Muhammad  
Wani R/o Namtehall, Chadoor, Budgam

Respondent: First Appellate Authority (FAA)/Public  
Information Officer (PIO)/SKIMS Soura,  
Srinagar

Date of Registration : 07-08-2017

Date of Decision : 27-11-2017

### Brief Facts:

This 2<sup>nd</sup> appeal came up for hearing today on 20.11.2017. The hearing was attended by Dr. Farooq Jan, Joint Medical Superintendent/PIO SKIMS Soura, Srinagar. The appellant did not attend the hearing.

The brief facts of this 2<sup>nd</sup> appeal are that the appellant Mr. Irfan Nawab has filed the 2<sup>nd</sup> appeal before the Commission on 10-07-2017 against the First Appellate Authority (FAA)/Public Information Officer (PIO) SKIMS Medical College, Srinagar. The appellant has submitted in his 2<sup>nd</sup> appeal that neither PIO has responded his RTI application dated 18-04-2017 nor FAA has disposed of the first appeal filed before him on 22-05-2017 despite lapse of stipulated period of time. The appellant has requested the Commission to take necessary action against the PIO and FAA with directions to provide him the requisite information.

As per the records, the appellant vide RTI application filed on 18-04-2017 before PIO SKIMS Soura has sought information on various issues pertaining to order No. 32-SKIMS of 2017 regarding certain appointments made by the SKIMS for the posts of Lecturers in ENT, Orthopedics, Psychiatry and Blood Bank Departments for SKIMS Medical College Bemina. On 22-05-2017, the appellant filed first appeal before FAA on the ground that PIO has failed to respond to his RTI application. The FAA vide order dated 16-06-2017 has disposed of the first appeal. Not satisfied with the disposal of First Appeal, the appellant filed the instant 2<sup>nd</sup> appeal before the Commission. On scrutiny of documents, some deficiencies were found which the appellant got completed and accordingly 2<sup>nd</sup> appeal was admitted on 07-08-2017. In reply to the notice of Commission, the PIO/Joint Medical Superintendent submitted reply/counter statement to

2<sup>nd</sup> appeal vide communication No. SIMS/MS/JMS/2017-3098-3100 dated 11-08-2017 interalia submitted at para 2, 3 and 4 as under:-

“2. That the application submitted by the information seeker was registered in this office under RTI No. 579 dated 19-04-2017 and the same was forwarded to Administrative Officer (Policy) SKIMS for providing desired information of all the points pertaining to their department.

3. The application was returned by the Administrative Officer (Policy) with the remarks that selection of faculty positions at SKIMS (Medical College), Bemina are being dealt by the college authorities itself and the case may be referred to the college authorities. Accordingly PIO SKIMS Medical College was informed vide this office letter No. SIMS/RTI No. 579/2017-2559-60 dated 24-04-2017 with subsequent reminder dated 04-05-2017.

4. the Administrative (Policy) SKIMS was again approached by this office to provide authentic documentary evidence with regard to the transfer of record to SKIMS Medical College, Bemina which was later on provided and one copy forwarded to RTI applicant.

The 2<sup>nd</sup> appeal came up for hearing on 20-11-2017 and the following order was passed by the Commission on the said date:-

“The PIO has submitted today that the entire record pertaining to the RTI application of the appellant has been transferred to the SKIMS Medical College, Bemina under proper receipt. As per records, the PIO SKIMS Medical College, Bemina has reported that the concerned record has been submerged in the flash floods of September, 2014 and in this regard, the department has also registered an FIR.

Since the appellant did not attend the hearing, in order to provide him an opportunity of being heard before passing final order, the hearing is adjourned with directions to the appellant to appear before the Commission on the next date of hearing which is fixed on 27-11-2017. The registry is also directed to issue notices to the appellant and the PIO of SKIMS Medical College, Bemina, Srinagar for appearance before the Commission on the scheduled date alongwith records pertaining to the matter.”

The 2<sup>nd</sup> appeal again came up for hearing today. In response to the notices issued by the Commission, Dr. Shafa Dena PIO/Medical Superintendent, SKIMS Medical College, Bemina and Mr. Irfan Nawab, the appellant appeared before the Commission. The PIO submitted that whatever information was available with them, the same has been provided to the appellant and rest of the information has been submerged in the flash floods of September, 2014 for which an FIR has also

been registered by the department. The appellant expressed his satisfaction with the reply of the PIO and has prayed that the 2<sup>nd</sup> appeal be disposed of accordingly and has no further cause for agitation/adjudication.

As the grievance of the appellant has been redressed by providing him part of the information available and the FAA and PIO have produced sufficient evidence to prove that the rest of the information is not available having been destroyed by the 2014 floods, therefore, there remains nothing to be further adjudicated upon in this 2<sup>nd</sup> appeal. Besides, the appellant has expressed his satisfaction with the part information provided to him and prayed for disposal of his appeal as withdrawn. The 2<sup>nd</sup> appeal is accordingly disposed of without any directions/orders.

Sd/-  
(Mohammad Ashraf Mir)  
State Information Commissioner

Copy to:-

1. First Appellate Authority (FAA)/Public Information Officer (PIO)/SKIMS Medical College, Srinagar
2. Mr Irfan Nawab S/o Ghulam Muhammad Wani R/o Namtehall, Chadoor, Budgam

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