



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/541/2017
Decision No. SIC/CO/SA/541/2017

Final Order:

Appellant : Sh. Madan Lal, S/o Sain Dass,
R/o Talab Tillo, Jammu.
Respondent : FAA/PIO, Directorate of Youth Services, J&K.
Date of decision: : **29-11-2017**
Decision : Appeal disposed of.

Brief Facts:

Briefly the facts of this appeal are that the appellant while exercising his right to information filed RTI application dated 31-05-2017 with the Public Information Officer, (PIO) Youth Services & Sports Department, Civil Secretariat, Srinagar seeking following information:

- Attested/ Certified copy of Note Side/ Note File of file No. Edu/Tech/Phy/85/2011-II, relating to processing of PSC/DPC case of Sh. Madan Lal, I/c Joint Director, Youth Services & Sports, Jammu or litigation case of his promotion/placement as Director, Youth Services & Sports, J&K w.e.f 30-11-2016 to 31-05-2017.

Proceedings before the State Information Commission(SIC):

The 2nd appeal came up for hearing before the SIC on 29-11-2017. The hearing was attended by Sh. Rajnish Sharma Additional Secretary/First Appellate Authority (FAA), J&K Youth, Services & Sports Department, J&K Civil Secretariat, Jammu, Smt. Jyoti Raina, Under

Secretary/ Public Information Officer (PIO) J&K Youth, Services & Sports Department, J&K Civil Secretariat, Jammu and the appellant.

The appellant submitted that he has not been provided the requisite information as sought for by him through his basic RTI application as yet. When enquired, the PIO submitted that the appellant was asked to deposit Photostat charges of Rs 18/- in terms of Rule 4(a) of the J&K RTI Rules, 2012 for getting the information, however, he did not deposit the same. A copy of reply to 2nd appeal was filed by the FAA in this regard which was taken on record. On perusal of the said reply it was noticed that the RTI application dated 31-05-2017 was received by the PIO on 05-06-2017. The PIO thereafter, vide communication dated 12-07-2017 asked the appellant to deposit the said copying charges. The respondents were asked as to why the communication from the PIO to the appellant for deposition of additional fee in terms of Rule 4(a) of the J&K RTI Rules, 2012 was late beyond 30 days. The said communication should have been issued latest by 04-06-2017 in terms of section 7(1) read with section 7(5) of the J&K RTI Act, 2009. The respondents admitted to their mistake.

The SIC asked the PIO as to why she failed to respond to the RTI application promptly to which she replied that it is not intentional as she was busy with her other official work.

Parties were heard and record was perused.

Decision:

The SIC observed that the PIO has failed to adhere to the time limitation prescribed under section 7(1) read with 7(5) of the J&K RTI Act, 2009 which thus entitles the appellant to get the information free of cost in terms of section 7(6) of the Act. Therefore, the PIO is directed to furnish the requisite information to the appellant within a period of 15 days from the date of receipt of this order free of cost.

Further since the delay on the part of the PIO in intimating the appellant about deposition of fee is nominal and that too unintentional penalty proceedings are not initiated against her, however, she is asked to remain vigilant in future while handling the RTI applications.

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

Copy of the order be provided free of cost to the parties.

-sd/-

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

No. SIC/CO/SA/541/2017

Dated: / /2017.

Copy to the:

- 1 First Appellate Authority (FAA) J&K Youth Services & Sports Department, Civil Secretariat, Jammu for information.
- 2 Public Information Officer (PIO), J&K Youth Services & Sports Department, Civil Secretariat, Jammu for information and compliance.
- 3 PS to CIC for information of HCIC.
- 4 Sh. Madan Lal, S/o Sain Dass R/o H.No-32 Talab Tillo, Jammu.
- 5 Guard file.

(Dr. Ghulam Mohi-ud-din)
Joint Registrar,
J&K State Information Commission.