



**Jammu and Kashmir State Information Commission**

شنیشن کمیٹی انفارمیری اسٹیٹسٹ کشمیر جموں ا

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

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File No. SIC/J/A/56/2017

Decision No. SIC/J/A/56/2017/67

**Final Order**

(Second Appeal)

- Appellant : Sh. Harinder Pal Singh
- Respondents : First Appellate Authority (FAA)/  
Deputy Commissioner, Jammu and  
Public Information Officer (PIO), Assistant  
Commissioner (Revenue), [AC(R)], Jammu
- Date of Registration : 03.08.2017
- Date of Decision : 09.11.2017

**Brief Facts:**

The appellant Sh. Harinder Pal Singh, R/o. 347-Shastri Nagar, Jammu-180004 while exercising his right to information filed an RTI application dated: 25.03.2017 under section 6 of the J&K Right to Information Act, 2009 (hereinafter Act for short) with the PIO/AC (R), Jammu, seeking the following information:

*Please urgently furnish me the action taken report (under law) by District Magistrate (Dy. Commr.) Distt. Jammu on the communication No. DFJ/WS 197-III/3561-63 dtd. 12/09/2016 of*

*Director Floriculture Deptt. (J&K Govt.) Jammu to Dy. Commissioner (Distt. Magistrate) Jammu; and also what action initiated on my enclosed application (s) dtd. 13.04.2015 & 21.09.2015 to D.C. Jammu.*

Aggrieved by the non-response of the PIO within the stipulated time, the appellant filed First Appeal with the FAA, O/O District Magistrate, Jammu on 26.04.2017 which as per record available on file remained undisposed. At last, the appellant approached the State Information Commission (SIC) by filing 2<sup>nd</sup> appeal which was admitted on 03.08.2017 after completion of deficiencies.

### **Proceedings:**

This 2<sup>nd</sup> appeal was admitted in the SIC on 03.08.2017 but owing to the need for conduct of adequate number of hearings for appropriate and final disposal of the appeal, the time period for the disposal was extended by another 60 days upto a maximum of 120 days from the date of filing the appeal in terms of section 16(11) of the J&K RTI Act, 2009.

The appeal was listed for the first time before the SIC on 06.09.2017. Sh. Khalid A. Shah, Law Officer, O/O Deputy Commissioner, Jammu (on behalf of FAA/DC, Jammu) and the appellant attended the hearing. The hearing was adjourned with the following directions:

***"The decision of the PIO of the DC office, Jammu to transfer the RTI application to Director, Floriculture is not correct. The disposal of the PIO seems to be mechanical in nature and an attempt to shift the responsibility. Therefore, the PIO is directed to inform the applicant (now appellant) as to what follow up action has been taken by the DC/DDC,***

***Jammu on the request/letter of Director, Floriculture in this matter and whether any police assistance has been provided to have the alleged encroachment removed.***

***Further, the representative of the FAA/DC, Jammu Sh. Khalid A. Shah has agreed to bring the whole issue into the notice of the DC, Jammu."***

The appeal was again listed on 03.10.2017. The hearing was attended by the appellant Sh. Harinder Pal Singh, whereas, no one was present on behalf of the respondents FAA/PIO. The hearing was again adjourned with the following directions:

***"In view of the submission of the appellant, the hearing in this 2<sup>nd</sup> appeal is adjourned with directions to the FAA/DC, Jammu and PIO/AC (R), Jammu to attend on the next date of hearing and also submit follow up/Action Taken Report on the State Information Commission's (SIC) order in this 2<sup>nd</sup> appeal dated: 06.09.2017. Non attendance in today's hearing of FAA/DC, Jammu and PIO/AC (R), Jammu either personally or through duly authorized representative was noted with concern."***

The appeal was again listed for final hearing today on 09.11.2017. The hearing was attended by PIO/Sh. Nisar Ahmad Shah, AC (R), Jammu, Sh. Khalid A. Shah, Law Officer (on behalf of FAA/DC, Jammu) and the appellant.

The PIO/AC (R), Jammu filed counter statement dated: 07.11.2017 interalia submitting that on the directions of Hon'ble Chief Information Commissioner vide letter No. ACR/PIO/RTI/2017-18/271 dated: 24.10.2017 Tehsildar, South was directed to provide the status of Park No. J/GN/69 H.No. 396-A Shastri Nagar, Jammu. The report has been received from

concerned Patwari which reveals that park is situated in Khasra no. 401 and Khasra No. 401 comprises of 467 Kanals and 14 Marlas is State Land and stands registered in the name of Jammu and Kashmir Housing Board. There is Burmi (Snake House) also. A copy of the report was also enclosed for perusal.

**Decision/Directions:**

**In view of the submissions of the PIO, representative of the FAA and the appellant, it transpired that reply to the RTI application is still awaited from the O/O Deputy Commissioner, Jammu. The reply to the RTI application by the PIO, O/O Deputy Commissioner, Jammu may be provided as expeditiously as possible but within 21 days from the date of receipt of this order. The Deputy Commissioner, Jammu must also reply to the communication of the Director, Floriculture, Jammu and give the present status of the action taken or not taken, as the case may be, on the communication mentioned by the RTI applicant (now appellant) in his RTI application dated: 25.03.2017.**

*With these directions the second appeal is disposed of.  
Copy of this decision be given free of cost to the parties.*

Sd/-  
(Khurshid A. Ganai) IAS Retd.  
Chief Information Commissioner  
J&K State Information Commission

No: SIC/J/A/56/2017\_\_\_\_\_

Dated: .11.2017

Copy to:

1. Registrar, J&KSIC for information and necessary action.

2. FAA/Deputy Commissioner, Jammu for information and necessary action.
3. PIO/Assistant Commissioner (Revenue), Jammu for information and necessary action.
4. Private Secretary to CIC for information of the HCIC.
5. Appellant/Sh. Harinder Pal Singh, R/o. 347-Shastri Nagar, Jammu-180004.
6. Office file.

(Rita Koul)  
Deputy Registrar  
J&K State Information Commission