



Jammu and Kashmir State Information Commission

شہنیشن 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

File No. SIC/J/A/49/2017

Decision No. SIC/J/A/49/2017/71

Final Order

(Second Appeal)

- Appellant : Sh. Vipin Sharma.
- Respondents : First Appellate Authority (FAA)/
Public Information Officer (PIO),
Associated Hospitals of Government Medical
College, Jammu.
- Date of Registration : 24.07.2017
- Date of Decision : 24.11.2017

Brief Facts:

The appellant Sh. Vipin Sharma (Editor), Jagriti Times, 60/1 Nanak Nagar, Jammu while exercising his right to information filed an RTI application dated: 19.01.2017 under section 6 of the J&K Right to Information Act, 2009 (hereinafter Act for short) with the PIO, Associated Hospitals & Medical College, Bakshi Nagar, Jammu seeking information on 03 points relating to purchase of Medical Equipment/Testing Machines, drugs/general items etc.

Aggrieved by the non-response of the PIO within the stipulated time, the applicant (now appellant) filed First Appeal with the FAA/Principal, Government Medical College, Bakshi Nagar, Jammu on 22.02.2017 which as per record was disposed of by FAA vide his communication No. AHJ/RTI/2017/RTI/587-88 dated: 13.03.2017. Aggrieved by the disposal of the FAA, the appellant approached the State Information Commission (SIC) by filing 2nd appeal which was admitted on 24.07.2017.

Proceedings:

The appeal, for the first time, was listed for hearing before the SIC on 27.09.2017. The hearing was attended by PIO/Ms. Ansuya Jamwal, Personnel Officer, Associated Hospitals Jammu, Dr. Arun Sharma, Medical Superintendent, Super Specialty Hospital, Jammu, Dr. Manoj Kumar, Medical Superintendent CD Hospital, Jammu and the appellant through Video Conferencing from Jammu office of the Commission. The hearing was adjourned with the following observations/directions:

“All parties were heard and record on file perused. The RTI application dated: 19.01.2017 from Vipan Sharma of Jagriti Times is addressed to the PIO, Associated Hospitals and GMC, Jammu. Since the Personnel Officer has intimated that she is not the concerned PIO to handle this type of information as she is PIO only for service matters, it is for the Head of the Public Authority to clarify who is the concerned PIO to deal with this type of RTI application. Therefore, in terms of powers vested under section 16 (9) of the J&K RTI Act, 2009, it is directed that the Public Authority i.e. GMC Jammu through its Principal shall take steps to identify and designate the correct PIO for dealing with this information and also ensure access to the information

based on available record and in terms of the RTI applicant's application within a period of 15 days from the date of receipt of this order. The said PIO, as identified by the Public Authority, is free to seek assistance under section 5 (4) from such officers of GMC & Associated Hospitals who are holding the requisite information in available records. With these directions, the hearing is adjourned."

The appeal was again listed for hearing on 09.11.2017. The hearing was attended by the PIO/Ms. Ansuya Jamwal, Personnel Officer, Associated Hospitals, Jammu and the appellant. During the hearing the PIO submitted counter reply to the 2nd appeal dated: 08.11.2017 which was taken on record. A copy of the counter reply was also handed over by the PIO to the appellant during the hearing. The hearing was again adjourned with the following directions:

"In view of submission of the appellant that he needs more time for perusal of the counter statement and filing of rejoinder thereof, if any, the request of the appellant is allowed and the hearing in the appeal is adjourned with directions to the appellant to file rejoinder, if any, within seven days from the date of pronouncement of this order."

The appeal was again listed for final hearing today on 24.11.2017. The hearing was attended by PIO/ Ms. Ansuya Jamwal, Personnel Officer, Associated Hospitals, Jammu. The appellant did not attend. The PIO submitted fresh counter statement vide her no. dated: 24.11.2017 with copy to the appellant interalia stating that the information as furnished by the Medical Superintendents has been forwarded to the applicant vide no.

AHJ/RTI/2017/268-69 dated: 08.11.2017. That another copy of the same information was handed over to the appellant Sh. Vipin Sharma in person on the day of hearing of 2nd appeal in the SIC on 09.11.2017.

Decision:

In view of the submissions of the PIO and on perusal of record placed on the file, it transpires that the PIO has provided the requisite information to the appellant and now there is nothing pending in this appeal. The appellant did not attend the hearing today which indicates that he has nothing more to represent.

With these observations 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/49/2017_____

Dated: .11.2017

Copy to:

1. Registrar, J&KSIC for information and necessary action.
2. FAA/Principal, Government Medical College, Bakshi Nagar, Jammu for information.
3. PIO/Ms. Ansuya Jamwal, Personnel Officer, Associated Hospitals Jammu for information.
4. Private Secretary to HCIC for information of the HCIC.
5. Appellant/Sh. Vipin Sharma (Editor), Jagriti Times, 60/1 Nanak Nagar, Jammu.
6. Office file.

(Rita Koul)

Deputy Registrar
J&K State Information Commission