



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

File No. SIC/J/A/54/2017

and No. SIC/J/A/55/2017

Decision No. SIC/J/A/54-55/2017/79

Final Order

(Second Appeal)

Appellant : Sh. Manmohan Singh.

Respondents : First Appellate Authority (FAA)/
Public Information Officer (PIO),
O/O Deputy Commissioner, Ramban.

Date of Registration : 02.08.2017

Date of Decision : 28.11.2017

Brief Facts:

The appellant Sh. Manmohan Singh, S/o. Late Bhagat Singh Bhatia, R/o. 71, Shastri Nagar, Jammu while exercising his right to information filed two RTI applications both dated: 25.04.2017 under section 6 of the J&K Right to Information Act, 2009 (hereinafter Act for short) with the PIO, O/O Deputy Commissioner, Ramban seeking information on 11 points relating to judicial clerk working in the office of Deputy Commissioner, Ramban namely Surjeet Singh in the first RTI application and information on 10 points relating to Arms Licenses issued by District Magistrate,

Ramban from 01.10.2016 to the date of filing of RTI application and the information related thereto in the 2nd RTI application .

Aggrieved by the non-response of the PIO within the stipulated time, the applicant (now appellant) filed First Appeals with the FAA, O/O Deputy Commissioner, Ramban on 29.05.2017 which as per record was not disposed of. Aggrieved by the non disposal of the First Appeals by the FAA, the appellant approached the State Information Commission (SIC) by filing 2nd appeals which were admitted on 02.08.2017.

Proceedings:

The appeal in the file bearing no. SIC/J/A/54/2017, for the first time, was listed for hearing before the SIC on 06.09.2017. Neither the respondents FAA nor the PIO attended the hearing. The appellant was present in person. The hearing was adjourned to be listed for next hearing.

The appeal in the file bearing no. SIC/J/A/55/2017, for the first time, was listed for hearing before the SIC on 23.10.2017. Neither the respondents FAA/PIO nor the appellant attended the hearing despite advance notice dated: 09.10.2017. The hearing was adjourned with the following directions:

"In view of the absence of the respondents FAA/PIO and the appellant and in order to provide them an opportunity of being heard, the hearing of this 2nd appeal is adjourned. The Registry is directed to fix the case again in the 2nd week of November, 2017 for further hearing in the matter."

These 2nd Appeals were admitted in the SIC on 02.08.2017 and first sixty days expired on 02.10.2017 but owing to the need for conduct of more hearings for appropriate and final disposal of the appeal, the time period for disposal was accordingly allowed by another 60 days up to a maximum of 120 days from the date of admission of the appeals in terms of Section 16 (11) of the J&K RTI Act, 2009.

In view of the fact that the same applicant has filed two 2nd appeals against the same respondents i.e. FAA/PIO, O/O Deputy Commissioner, Ramban accordingly both the 2nd appeals were clubbed on 30.10.2017 in order to save the time of the respondents, appellant and the Commission.

The appeals were again listed for hearing on 10.11.2017. Neither the respondents FAA/PIO nor the appellant attended the hearing despite advance notice dated: 01.11.2017. The respondents had sought adjournment in view of leave of the FAA/DC, Ramban and more time to enable them to file the counter statement. The appellant through his letter dated: 21.10.2017 addressed to SIC has expressed his desire for not pursuing the appeal as he has received the information. Further, the following directions were issued:

“In view of the request of the respondents FAA/PIO and the appellant and in order to provide the respondents an opportunity to file the counter statement, the hearing of these 2nd appeals is adjourned. Registry is directed to fix hearing in the above titled appeals on the next date.”

The appeal was again listed for final hearing today on 28.11.2017. Neither appellant nor PIO/FAA appeared for hearing of the 2nd appeal.

The PIO/Additional Deputy Commissioner, Ramban filed reply dated: 22.11.2017 interalia submitting that the requisite information has been supplied to the information seeker vide their office letter no. PIO/ADC/17/42 dated: 29.07.2017. That to corroborate this, a copy of declaration made by the information seeker duly attested under the seal and signature of Advocate and Notary Public Jammu District wherein he has stated that the information has been received by him and he is fully satisfied of the same. That he has also submitted that he wants to withdraw the appeal before the Hon'ble Chief Information Commissioner, J&K (copy enclosed). That the reply could not be furnished well in time as the Dealing Assistant had been transferred on his promotion.

The FAA/Deputy Commissioner, Ramban also filed reply dated: 22.11.2017 taking the same grounds as taken by the PIO and stating the same facts as has been stated by the PIO.

On the other hand, the appellant has approached the Commission directly with a representation dated: 23.11.2017 wherein he has stated that he has not been provided the information sought for and that he is being threatened to withdraw the RTI/Appeal.

Decision:

In view of the submissions of the FAA/PIO and on perusal of records placed on the file as well as the representation of the

appellant, the State Information Commission (SIC) directs the PIO to provide the requisite information to the appellant, as per available records, strictly as per provisions of the J&K RTI Act, 2009. He is further directed to send the information by registered post to the residential address of the applicant (now appellant) as has been given by him in his RTI application, within one month from the date of receipt of this order.

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/54-55/2017 _____

Dated: . . .2017

Copy to:

1. Registrar, J&KSIC for information and necessary action.
2. FAA/Deputy Commissioner, Ramban for information and necessary action.
3. PIO/Additional Deputy Commissioner, Ramban for information and necessary action.
4. Private Secretary to HCIC for information of the HCIC.
5. Appellant/Sh. Manmohan Singh, S/o. Late Bhagat Singh Bhatia, R/o. 71, Shastri Nagar, Jammu.
6. Office file.

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