



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/521/2017

Decision No. SIC/CO/SA/521/2017/**1035**

Final Order:

Appellant : Sh. Bilal Ahmad Kar, S/o Lt. Mohammad Maqbool Kar,
R/o Noor Bagh, Baramulla.
Respondent : FAA/PIO, Public Works (R&B) Department.
Date of decision : **15-12-2017**
Decision : Appeal disposed of.

Brief Facts:

Briefly, the facts of this case are that the appellant Sh. Bilal Ahmad Kar S/o Late Mohammad Maqbool Kar R/o Noor Bagh, Baramulla, J&K while exercising his right to information filed an RTI application with the Public Information Officer (PIO) Public Works (R&B) Department on 07-03-2017 seeking following information:

1. The service particulars of Sh. Dalip Thusoo (MD) JKPC, which includes, copy of first appointment in the department as what, whether he was appointed on adhoc/contractual/permanent basis, as J.E or works supervisor.
2. Copy of educational qualification before joining the department and after joining the department, if any specialization done.
3. Copies of seniority lists fixed by the department of his batch of engineers for promotion purpose from J.E up to the level of Chief Engineer/Managing Director from time to time by the administrative department.

4. Whether he belongs to open merit or any other category (please enclose copy of proof).
5. Copies of vigilance clearance/APR's presented by the concerned official for his promotions from time to time.
6. Criteria adopted by the government to appoint/post/promote the said official to the level of Managing Director (please enclose copy of that).

Proceedings before the State Information Commission(SIC):

The 2nd appeal came up for hearing before the SIC on 15-12-2017. The hearing was attended by Sh. Shahnawaz Khan DGM Adm/PIO Hqrs JKPCC and Sh. Mohammad Ramzan, APIO, JKPCC. The appellant was heard through video conferencing from Srinagar office of the SIC. During the hearing the appellant reiterated that the information sought by him through his RTI application may be provided as according to him the same has not been provided to him so far. On enquiry the PIO stated that the requisite information has been sent to the appellant through registered post and also through mail on 30-11-2017, however, the appellant denied to have received any such mail.

On perusal of record it was found that the General Manager/First Appellate Authority, JKPCC has disposed of the 1st appeal on 09-08-2017 directing the PIO (Hqrs), JKPCC to provide the complete information to the appellant as per the RTI application within 10 days through speed post/registered post under intimation to him. However, those directions have not been complied with as appears from the submission of the appellant. The PIO submitted that part of the information sought for e.g vigilance clearance, criteria adopted by the government to appoint/promote officials at MD level etc pertains to and is held by the administrative department.

Both the parties were heard and record was also perused.

Decision:

After hearing the parties and on perusal of the record it transpires that part of the information as sought by the appellant through his basic RTI application to the PIO, JKPCC is still pending/remaining and order of the FAA has not been complied with by the PIO as yet which is not desirable. The PIO is therefore, directed to be careful in future so that the RTI applications received by him are disposed of within the stipulated time limit and in the manner as provided under the Act.

In view of the above, the PIO is directed to provide remaining information to the appellant but before doing that consider applicability of section 8(i) of the J&K RTI Act, 2009 pertaining to personal information since information about service records/APR's of the then MD has been sought and also consider proceedings under section 11 since information sought for largely relates to a third party as defined under section 2(l) of the Act. The direction of the SIC be complied with in 30 days from the date of receipt of this order.

With the above directions the 2nd appeal is disposed of.

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/521/2017

Dated: / /2017.

Copy to the:

- 1 First Appellate Authority (FAA) JKPCC for information and compliance.
- 2 Public Information Officer (PIO) JKPCC for information and compliance.
- 3 PS to CIC for information of HCIC.
- 4 Sh. Bilal Ahmad Kar, S/o Lt. Mohammad Maqbool Kar, R/o Noor Bagh, Baramulla-193101.
- 5 Guard file.

(Reeta Kaul)
Deputy Registrar,
J&K State Information Commission.