



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/K/SA/60/2017

Decision No. SIC/K/SA/80/2017/**83**

Appellant : Sh. Ab. Ahad Ganai S/o Sonauallah Ganai
R/o Palpora, Budgam

Respondent : First Appellate Authority (FAA)O/o Chief
Engineer, I&FC Kashmir/ Public Information
Officer, (PIO) Executive Engineer, Irrigation
Division Budgam

Date of Registration : 13.10.2017

Date of Decision : 27.12.2017

Brief Facts:

The brief facts of the case are that Shri Ab. Ahad Ganaie S/o Sonauallah Ganai R/o Palpora, Budgam filed the 2nd appeal against the FAA O/o Chief Engineer I&FC Department, Kashmir and PIO/Executive Engineer, I&FC Division Ompora Budgam on 21.07.2017 stating that in reply to his RTI application filed on 02.01.2017, the PIO/Executive Engineer, I&FC Division, Ompora, Budgam provided him incomplete and misleading information. Thereafter the FAA had not disposed of his First Appeal filed on 22.02.2017. The appellant has requested the Commission to penalize the PIO for providing misleading information with directions

to provide him the requisite information sought by him in his RTI application.

As per records of the 2nd appeal, the appellant in his RTI application filed before the PIO/Executive Engineer, I&FC Division, Ompora, Budgam on 02.01.2017, had sought the following information:-

Total estimated cost for the work "Khawnti Khol at Kargam Palachiti".
Name of contractor for the said work, whether the said work extended or not. Brief details regarding the quantity/specification of the material.

The PIO has responded the RTI application of the appellant vide letter dated 06.02.2017 by providing him the information. Not satisfied with the reply of the PIO, the appellant filed the First Appeal before the FAA O/o Chief Engineer, I&FC Division, Srinagar on 22.02.2017. Thereafter, against the inaction of the FAA, the appellant has filed the 2nd appeal before the Commission on 23.08.2017.

In reply to the notice of the Commission, the PIO vide letter dated 09.11.2017 has intimated the Commission that he has provided complete information to the appellant vide letter dated 06.02.2017 and 02.03.2017.

The 2nd appeal came up for hearing today on 27.12.2017. Mr Iftikhar Ahmad Malik, PIO/Executive Engineer, I&FC Division, Ompora, Budgam, Mr. Bashir Ahmad Kuchay PIO in O/o Chief Engineer, I&FC Department, Kashmir and appellant Sh. Abdul Ahad Ganai attended the hearing. During proceedings, the appellant submitted that the PIO has provided him incomplete and contradictory information. The PIO

submitted that he has provided the appellant complete information as per records.

The Commission, after perusing the RTI application of the appellant and the information provided to him is satisfied that the PIO has provided complete information to the appellant and there is no contradiction in the information provided. The appellant has basically a grievance with the I&FC Department with regard to the construction of retaining wall (bund) around his agricultural. He is trying to redress his grievance through the medium of the RTI. The appellant can approach the competent authority as there is no mechanism for redressal of grievance within the ambit of the J&K RTI Act, 2009. Complete information having been provided to the appellant by the PIO, nothing further remains to be adjudicated upon in this appeal. The appeal is accordingly disposed of.

Sd/-

(Mohammad Ashraf Mir)

State Information Commissioner

Copy to:

1. PIO O/o Chief Engineer, I&FC Kashmir
2. PIO/Executive Engineer, Irrigation Division, Ompora Budgam
3. Appellant-Sh. Ab. Ahad Ganai S/o Sonaullah Ganai R/o Palpora, Budgam
4. Office file

(M. S Bhat)

Dy. Registrar

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