



**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](http://www.jksic.nic.in)  
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File No. SIC/CO/SA/506/2017  
Decision No. SIC/CO/SA/506/2017/**1041**

**Final Order:**

Appellant : Sh. Shiv Shanker Sharma,  
R/O Village Karayara, Tehsil Hira Nagar.  
Respondent : FAA/PIO, J&K State Information Commission, (JKSIC).  
Date of decision : **28-12-2017**  
Decision : Appeal disposed of.

**Brief Facts:**

Briefly, the facts of this case are that the appellant Sh. Shiv Shanker Sharma, R/O Village Karayara, Tehsil Hira Nagar while exercising his right to information filed an RTI application with the Public Information Officer (PIO) J&K State Information Commission (SIC) on 21-01-2017 seeking following information regarding a second appeal reportedly filed by him in the SIC for which receipt no. 075 dated 28-12-2015 had been issued and his reminders in the matter dated 17-08-2016 and 19-09-2016, addressed to the Registrar of the State Information Commission (SIC):

**PART A**

- 1 Photo copies of each endorsement, remark, noting and orders passed in respect of the said appeal.

2. Whether there was any deficiency observed in the said appeal.
3. If yes, provide me a photo copy of the **Deficiency Notice** served to the appellant.
4. Latest status of the appeal. (Please inform me whether my appeal has been admitted or rejected)

## **PART B**

1. Date of receipt of my application in your office.
2. Photo copies of each endorsement, remark, noting, observation and order passed in respect of the said application.
3. Photo copy of any communication, in respect of the contents of the said application, sent to the applicant.

## **PART C**

1. Date of receipt of my reminder in your office.
2. Photo copies of each endorsement, remark, noting, observation and order passed in respect of the said application.
3. Photo copy of any communication, in respect of the contents of the said application, sent to the applicant.

## **Proceedings before the State Information Commission(SIC):**

This 2<sup>nd</sup> appeal has been admitted in the Commission on 05-09-2017. First 60 days expired on 05-11-2017. However, to ensure hearing of the appeal for its final disposal, the time limit for disposal was extended by another 60 days beyond 05-11-2017 in terms of section 16(11) of the J&K RTI Act, 2009.

Accordingly the 2<sup>nd</sup> appeal came up for hearing on 28-12-2017. The hearing was attended by Sh. Sheikh Fayaz Ahmad, Registrar/First Appellate Authority (FAA) J&K State Information Commission and the appellant. Public Information Officer (PIO), SIC could not attend due to his transfer.

During the hearing the appellant stated that the requisite information has not been provided to him as sought vide his basic RTI application dated 21-01-2017 as reply of the PIO dated 02-03-2017 is not complete. FAA stated that the appellant was put to notice twice by him for hearing of his 1<sup>st</sup> appeal. Firstly the case was listed on 10-05-2017 which however, came to be a holiday and therefore, fresh notice was served upon him for appearing on 17-05-2017. However, the appellant did not appear but the PIO attended. The 1<sup>st</sup> appeal was therefore dismissed in default for non-prosecution on the part of the appellant vide order dated 25-05-2017.

On perusal of the reply of the PIO dated 02-03-2017 it is noticed that the PIO has informed the appellant about non receipt of his 2<sup>nd</sup> appeal in the SIC on 28-12-2015 regarding which the appellant has filed the instant 2<sup>nd</sup> appeal in the SIC. However, the appellant during hearing produced a copy of receipt bearing no. 075 dated 28-12-2015 claiming that he actually had filed the 2<sup>nd</sup> appeal in the SIC and when he did not get any response from the SIC he filed RTI application with the PIO of the SIC which has now led to this 2<sup>nd</sup> appeal.

During the hearing the SIC made queries in the office to identify the official who has given the receipt in token of having received the 2<sup>nd</sup> appeal in the SIC, however, nothing

concrete emerged. The appellant was asked as to why he responded after more than one year to his misplaced 2<sup>nd</sup> appeal for which he could not give any satisfactory reply.

Both the parties were heard and record was also perused.

**Decision:**

After having heard the parties the SIC directs the Secretary of J&K State Information Commission to initiate inquiry into the matter of misplaced 2<sup>nd</sup> appeal and submit a report within 15 days from the date of receipt of this order.

The SIC shall consider the admission of the misplaced 2<sup>nd</sup> appeal in either case i.e whether the said 2<sup>nd</sup> appeal file is traced out or the appellant files the said 2<sup>nd</sup> appeal afresh, in terms of the provisions under section 16(4) of the J&K RTI Act, 2009. The Registrar of the SIC shall put up the file duly examined and put up a proposal on the above lines after receipt of the report of the Secretary, SIC in terms of the above order.

*2<sup>nd</sup> appeal is accordingly disposed of subject to the above directions.*

**-sd/-**

(Khurshid A. Ganai) **IAS Retd.**,  
Chief Information Commissioner,  
J&K State Information Commission.  
\*/imi/\*

No. SIC/CO/SA/506/2017

Dated: / /2018.

Copy to the:

- 1 Secretary, J&K State Information Commission, Jammu for information (JKSIC) and compliance.
- 2 Registrar, J&K State Information Commission (JKSIC) Jammu for information and compliance.
- 3 Public Information Officer, (PIO), J&K State Information Commission (JKSIC) for information.
- 4 PS to CIC for information of HCIC.
- 5 Sh. Shiv Shanker Sharma R/O Village Karayara The Hira Nagar-184142.
- 6 Guard file.

(Baldev Raj)  
Joint Registrar,  
J&K State Information Commission.