



**Jammu and Kashmir State Information Commission**  
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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/392 /2016

Decision No. SIC/CO/SA/392/2016/1043

### **Final order**

Complaint: Shri Sheraz Hussain Bhat S/O Ghulam Mohiuddin Bhat R/O Tethar Banihal, Distt.Ramban

Respondent : Public Information Officer (PIO) O/o Civil Aviation Department, J&K.

Date of Receipt : 26.07.2017

Date of Decision : 08-1-2018

### **Brief Facts:**

This is a complaint filed by Shri Sheraz Hussain Bhat S/O Ghulam Mohiuddin Bhat R/O Tethar Banihal Jammu for non-compliance of the State Information Commission's order No.960 dated 31.05.2017

### **Proceedings before the Commission**

The complaint came up for hearing first time on 25.10.2017 . During the proceedings the complainant has alleged that SIC's order dated 31.05.2017 had not been complied with by the PIO. The PIO stated that they have provided him the response. However, it was observed during the hearing that the PIO has not specifically replied in the light of the SIC order dated 31.05.2017 wherein PIO was directed to furnish roaster of all vacant Aircraft Technician Posts in Civil Aviation Department. Accordingly, the complaint was adjourned for next hearing with the following interim directions:

**“ After hearing the parties and perusal of the record, SIC observes that the PIO has not replied specifically in the light of the SIC order dated 31.05.2017 wherein the PIO was directed to furnish roaster of all vacant Aircraft Technician posts in CAD. The PIO stated the he has furnished the information to the complainant stating that there is no vacancy under direct recruitment category and that posts are to be filed up under SRO-421 dated 20.10.2014.**

**PIOs reply is not clear about the roaster points. The complaint may therefore, be scheduled for another hearing on next available date at Jammu.”**

The complaint finally came up for hearing on 08.01.2018, Shri Altaf Hussain Shah, PIO, Sh.Riyazul Zaman, APIO of Civil Aviation Department and the complainant were present. During the hearing the complainant again reiterated that information pertaining to para (14) of his RTI application regarding 'roaster of all vacant aircraft technician posts in CAD' has still not been provided to him. On enquiry, the PIO failed to give any concrete reply to substantiate that the requisite information on the said para (14) had been provided to the complainant. He stated that CAD did not maintain a roaster and that the appointments had been in terms of the SRO issued for the purpose.

### **Decision**

**After hearing the parties and perusal of record, it is observed that information pertaining to para 14 of the basic RTI application regarding roaster of all vacancies of Aircraft Technician posts in CAD is still pending. Therefore, PIO of the Civil Aviation Department is once again directed to clearly reply to this point of information sought by the complainant and not be unclear in his reply as such lack of clarity in the past replies to the complainant (the then RTI applicant and appellant) had led to this complaint before the Commission. The reply may be provided within a period of 15 days from the date of receipt of this order.**

**Disposal of complaint under Section 15 of the J&K RTI Act, 2009 envisages a decision on the imposition of penalty under Section 17, if it is found on inquiry that the PIO has conducted himself in a manner as mentioned in Section 17 (1) and 17 (2) for imposition of penalty; however, in this case it has not been conclusively proved that such is the case. The PIO volunteered to clarify to the appellant the issue about roaster points; that is why, the above direction. Any non-compliance from here on by the PIO will make him liable to imposition of penalty under Section 17 of the Act.**

**The complaint filed before the State Information Commission is disposed of subject to the above directions**

The copy of Order be provided to the parties free of cost.

**Sd/-**

**(Khurshid A. Ganai) IAS Retd  
Chief Information Commissioner**

Copy to :-

- 1. Public Information Officer (PIO) O/o, Civil Aviation Department, J&K Jammu.**
- 2. Pvt.Secy. to CIC for information of the HCIC.**
- 3. Shri Sheraz Hussain Bhat S/O Ghulam Mohiuddin Bhat R/O Tethar Banihal, Jammu.**
- 4. Office Order file.**

**( Sheikh Fayaz Ahmed)  
Registrar  
J&K State Information Commission**