



Jammu and Kashmir State Information Commission

جموں اینڈ کشمیر اسٹیٹ انفارمیشن کمیشن

(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/75/2017

Decision No. SIC/K/SA/75/2017/**92**

Appellant: Mr. Muhammad Shafi Khoja S/o Amir-ud-din Khoja R/o W. No. 6 Bandipora

Respondent: First Appellate Authority (FAA)/Deputy Director, Directorate of Health Services, Kashmir, Srinagar
Public Information Officer (PIO)/Chief Medical Officer, Bandipora

Date of Registration : 04-10-2017

Date of Decision : 22-01-2018

Brief Facts:

The brief facts of the case are that the appellant had filed this second appeal before the Commission against the First Appellate Authority (FAA)/Deputy Director, Directorate of Health Services, Kashmir, Srinagar and Public Information Officer

(PIO)/Chief Medical Officer, Bandipora on 04-10-2017 on the ground that he has been provided the incomplete information. The appellant requested the Commission to take necessary action against PIO with direction to provide him the information sought.

During the last hearing on 27-12-2017, Dr. Bashir Ahmad, PIO/CMO Bandipora holding the additional charge of CMO Baramulla had undertaken before the Commission that he would provide the remaining information with respect to Ghulam Ahmad Bhat and Manzoor Ahmad Mir regarding their initial appointments and regularization within a period of ten days. However, the CMO has failed to provide the said information to the appellant even till date. Further, the appellant seeks details of appointees who were terminated vide Government order No. 359-HME of 1998 dated 13-05-1998 besides the orders under which Mst Halima, Mst. Aisha, Muhammad Muzaffer Bhat and Muhammad Sultan are continuing in service. On behalf of CMO Bandipora, his representative (BMO Bandipora) appeared today and stated that due to certain unavoidable circumstances, the information could not be provided within ten days. He however,

undertakes to provide the information to the appellant within a period of five days from today.

The PIO/CMO Bandipora/Baramulla is directed to provide the complete information to the appellant within a period of five days from today as assured by his representative viz. BMO Bandipora. In case the PIO fails to provide the information to the appellant within the aforesaid period, the appellant shall be at liberty to file a complaint before the Commission under section 15 of J&K RTI Act, 2009. The Director Health Services, Kashmir is also directed to ensure that the information is provided by the PIO/CMO Bandipora/Baramulla to the appellant within the period specified above, failing which administrative action as warranted under rules may be taken against the erring PIO, keeping in view the fact that the Public Authority is under a statutory obligation to ensure that the provisions of the J&K RTI Act, 2009 are implemented in letter and spirit and the right to information is facilitated to the citizens of the State.

With these observations, the 2nd appeal is disposed of.

Sd/-

(Muhammad Ashraf Mir)
State Information Commissioner

Copy to the :-

1. Director Health Services, Kashmir, Srinagar
2. First Appellate Authority (FAA)/Deputy Director,
Directorate of Health Services, Kashmir, Srinagar
3. Public Information Officer (PIO)/Chief Medical Officer,
Bandipora
4. Appellant Mr. Muhammad Shafi Khoja S/o Amir-ud-din
Khoja R/o W. No. 6 Bandipora

(M. S. BHAT)
Deputy Registrar,
J&K State Information Commission, Sgr