



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/J/A/142/2017

Decision No. SIC/J/A/142/2017/**141**

Final Order:

Appellant : Sh. Jeet Raj Sharma, S/o late Sh. Krishen Lal,
R/o W. No.13, Shiv Colony, Akhnoor.

Respondent : FAA/PIO, School Education Department.

Date of Registration : 25.10.2017

Date of decision : **14-02-2018.**

Decision : Appeal disposed of.

Brief Facts:

Briefly, the facts of this case are that the appellant Sh. Jeet Raj Sharma, while exercising his right to information filed an RTI application with the Public Information Officer (PIO) Directorate of School Education, Jammu on 24-05-2017 seeking a copy of enquiry report which was conducted by Joint Director, Mr. Charandeep Singh at Government Higher Secondary School, Jourean against staff members regarding misuse of SSA fund and fraudulent drawal of salary.

Proceedings before the State Information Commission(SIC):

The instant 2nd appeal was listed for hearing before the State Information Commission today on 14-02-2018. The hearing was attended by Sh. Darshan Lal Joint Director-cum-First Appellate Authority (FAA) School Education Department, Jammu Ms. Afshan Masood PIO DSE, Jammu and Sh. Amit Gupta S.A, DSE, Jammu. The appellant did not appear. However, he was contacted telephonically and he stated that he had received the information and his only issue is with regard to the delay in providing the information by the PIO. The FAA and the PIO explained the reasons for delay in providing the information to the appellant. The respondents stated that when the applicant sought a copy of the report through his RTI application dated 24-05-2017, the enquiry report was still under consideration at that stage and no decision had been taken till that date with regard to the acceptance or otherwise of the enquiry report. Subsequently, the report was accepted by the Competent Authority and action as warranted was taken on the basis of said report. As soon as the report was accepted and action taken, the copy of the said enquiry report was furnished to the appellant on 18-11-2017. The delay in furnishing the copy of the enquiry report to the appellant was not deliberate but it was procedural in order to ensure confidentiality of the enquiry report before taken any action on basis of the said report. Furnishing of the report before its acceptance and before taking any action would have jeopardized the interests of the Public Authority. The explanation given by the respondents with respect to delay has been accepted by the Commission.

Decision:

The public authority has to strike a balance between a citizen's individual right to seek information and the larger public interest, which would include the issues like maintenance of discipline in a public authority and its proper and smooth functioning. The delay caused by the PIO in providing the enquiry report to the appellant is, therefore, justified.

Since the information sought by the appellant has been provided to him by the PIO, the appeal is disposed of.

-sd-

(Mohammad Ashraf Mir),
State Information Commissioner,
J&K State Information Commission.
/imi/

No. SIC/J/A/142/2017

Dated: / /2018.

Copy to the:

- 1 Registrar, JKSIIC for information.
- 2 First Appellate Authority (FAA) Jt. Director (SSA) School Education, Jammu for information.
- 3 Public Information Officer (PIO), Personnel Officer, Directorate of School Education, Jammu for information.
- 4 PS to SIC for information of HSIC.
- 5 Sh. Mohinder Singh, R/o 620-A Gandhi Nagar, Jammu.
- 6 Guard file.

(Reeta kaul)
Dy. Registrar,
J&K State Information Commission.