



**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/K/SA/92/2018  
Decision No. SIC/K/SA/92/2017/ **105**

Appellant : Mr Mohammad Hassan Masha  
Respondent : Public Information Officer (PIO)/Executive  
Engineer, R&B Division, Kargil  
Date of Registration : 09.11.2017  
Date of Decision : 21.02.2018

**ORDER**

The brief facts of this 2<sup>nd</sup> appeal are that the appellant Mohammad Hassan Masha filed the RTI application dated 06.07.2017 before the PIO/Executive Engineer R&B Division, Kargil (hereinafter for short as the "PIO") seeking information on five queries mentioned in the said application. As no information was provided by the PIO within the stipulated time period, the appellant filed the First Appeal before the FAA/Superintending Engineer R&B Circle, Kargil on 06.08.2017. After filing of the First Appeal, the appellant received response from the PIO vide letter dated 02.08.2017 directing the appellant to remit the photo state charges of Rs 640/- so that the copies of the documents can be furnished to him. The appellant

deposited the photostate charges through DD **No.689178** on 16.09.2017 but he was provided incomplete information by the PIO. As such the appellant approached the State Information Commission (SIC) with the instant 2<sup>nd</sup> appeal with the request that the PIO be directed to provide him complete information with attested copies of the documents sought. Moreover penalty under the provisions of the Act may be imposed upon the PIO for not providing information within the specified period

The 2<sup>nd</sup> appeal came up for hearing today on 21.02.2018. Mr Abdul Mutalib, PIO/Executive Engineer R&B Division, Kargil. Mr. Mohammad Ali, Technical Officer to SE R&B Circle, Kargil and appellant Sh. Mohammad Hassan Masha attended the hearing through video conferencing from NIC Kargil.

During the proceedings, the appellant submitted that the PIO has provided him incomplete and unattested information without providing him the copy of tender opening register w,e,f 01.09.2016 to 31.03.2017. The PIO submitted that the tender opening register was missing from the office and as such same could not be provided to the appellant. Through efforts, to locate the said register are on but the same is still not traceable.

The Commission took a serious view of the mater in view of the fact that the tender opening register is a very important document/record and it cannot disappear overnight unless somebody is interested in its disappearance. How and under what circumstances the said register is missing from the records is a matter which needs a thorough probe. The register is not very old and pertained to the period between September, 2016 to March 2017. The non-traceability of such an important register gives rise to an impression that the PIO is trying to hide something. The

Commission accordingly directs the Chief Engineer, PWD (R&B) Kashmir to hold an enquiry in order to ascertain the circumstances under which the tender opening register of the R&B Division Kargil pertaining to the period from 01.09.2016 to 31.03.2017 is missing and fix the responsibility of the persons/officials involved. The enquiry shall be concluded within a period of one month from the date of receipt of this order and the findings of the enquiry shall be shared with the Commission as soon as the same is concluded.

In the meanwhile, the PIO is also directed to put strenuous efforts to locate the tender opening register. Moreover, the PIO is also directed to go through the rejoinder filed by the appellant during the proceedings today and provide reply to the appellant within one week from the date of receipt of this order with a copy to the Commission.

In case the appellant is aggrieved by the reply of the PIO, he is free to file a complaint before the Commission thereafter.

Registry shall mark a copy of this order to the Commr/Secretary to Government, PWD (R&B) Department, Civil Secretariat, Jammu for information and further necessary action.

With these observations and directions, this 2nd appeal filed before the Commission is disposed of.

**Sd/-**  
**(Mohammad Ashraf Mir)**  
State Information Commissioner

**Copy to:**

1. Commr/Secretary to Government, Public Works (R&B) Department Civil Secretariat , Jammu
2. Chief Engineer, Public Works (R&B) Department, Kashmir
3. PIO/Executive Engineer Public Works (R&B) Division, Kargil
4. Appellant—Sh. Mohammad Hassan Masha S/o Ghulam Muhamamd R/o Tambis Sankoo Kargil

**(M.S. Bhat)**  
Dy. Registrar  
J&K State Information Commission,  
Srinagar