



**Jammu and Kashmir State Information Commission**

(Constituted under Right to Information Act 2009)

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File No. SIC/CO/SA/526/2017

Decision No. SIC/CO/SA/526/2017/**1050**

**Final Order**  
**(Second Appeal)**

Appellant : Smt. Sunita Dubey

Respondents : First Appellate Authority (FAA)/Public Information Officer (PIO), D.G. Police

Dated of Registration: 18.09.2017

Date of Decision : 18.01.2018

**Brief Facts:-**

The appellant Smt. Sunita Dubey W/o Ganesh Kumar R/o VPO Jakh, Tehsil Vijaypur District Samba A/P H.No. 452-A Gandhi Nagar, Jammu while exercising his right to information filed an RTI application dated: 15.04.2017 under section 6 of the J&K Right to Information Act, 2009 (hereinafter Act for short) with the PIO, O/o the Director General of Police, J&K seeking following information:-

- i. Provide the list of all Head Constable of J&K Police 1990 batch who have been upgraded in the PB-III Rs. 9300-34800+GP 4200 from existing PB-I 5200-20200+GP 2800 in the light of Govt. Order No. 229 dated 17.10.2014
- ii. Provide the list of all Head Constable of J&K Police 1990 batch who have not been upgraded in the PB-III Rs. 9300-34800+GP 4200 from existing PB-I 5200-20200+GP 2800 in the light of Govt. Order No. 229 dated 17.10.2014.
- iii. Intimate the particulars of all Head Constable of J&K Police 1990 batch who have been upgraded in the PB-III Rs. 9300-34800+GP 4200 from existing PB-I 5200-20200+GP 2800 in terms of PHQ Order No. 2567 of 2015 dated 19.08.2015 issued in the light of

Govt. Order No. 229-F dated 17.10.2014, Finance Department No. A/2(2012)-183 dated 23.06.2015, Home/24/Actts/2007-II dated 24.07.2015 and PHQ Circular No. Estt/G-21/2014/34204-344 dated 22.07.2015. The reason on record for their up-gradation also be provided.

- iv. Provide specific reasons in the light of Govt. Order 229-F dated 17.10.2014 HC Nazir Ahmed PID No. 905752 and some other HCs who are of 1990 batch have been granted PB-II Rs. 9300-34800+GP 4200 from the existing PB-I 5200-20200+GP 2800 in the light of Govt. Order No.229 dated 17.10.2014 by the concerned DDOs which amount to discrimination

Aggrieved by the response of the PIO, the appellant filed First Appeal with the First Appellate Authority on 19.06.2017 which as per record available on file was admitted on 12.07.2017, was disposed of on 17.07.2017. At last, the appellant approached the State Information Commission (SIC) by filing 2<sup>nd</sup> appeal which was admitted on 25.09.2017.

### **Proceedings:**

The 2<sup>nd</sup> appeal came up for hearing before the State Information Commission on 29.12.2017. The hearing was attended by Sh. Kulbir Singh, PIO and APIO, Sh. Attaullah Shah, Dy. SP PHQ. The appellant was represented by her authorized representative, her husband Sh. Ganesh Kumar who is himself a Head Constable in the Police Department. During the hearing the representative of the appellant submitted that information has not been furnished to her. In response PIO stated that information stands provided vide their communication dated 28.12.2017. On perusal of papers in the file, it was noticed that respondents are yet to file a written statement to the 2<sup>nd</sup> appeal. The respondents requested for some more time for filing the written statement.

In view of the submission of the respondents, hearing in the Commission was adjourned for giving them an opportunity to file written statement by next day. PIO was also directed to take steps to provide the information to the appellant.

The 2<sup>nd</sup> appeal came up for hearing again on 18.01.2018. The hearing was attended by Sh. Kulbir Singh, PIO and APIO, Sh. Attaullah Shah, Dy. SP, PHQ. Sh. Ganesh Kumar representative of the appellant was also present.

During the hearing, the PIO stated that now all the requisite information stands provided to the appellant from the concerned PIOs and as many as 19 PIOs had filed counter statement in support of this claim. The representative of the appellant however submitted that information pertaining to Traffic and Security wings was yet to be received by him. He further submitted that his representation to IG (Railways) dated 03.07.2017 is still undecided. PIO admitted about the left out information and during the hearing, part information pertaining to Security wing as sought by the appellant was handed over to him. The PIO assured that the balance information pertaining to Traffic wing will also be provided to the appellant at the earliest. PIO further assured that the representation of the appellant to IG (Railways) will also be given due consideration.

**Decision: -**

After having heard the parties and on perusal of record, it reveals that maximum part of the information sought by the appellant has been provided to her. So far as remaining information is concerned, PIO is directed to provide the same to the appellant within a period of 30 days from receipt of this order. With the above directions, this 2<sup>nd</sup> appeal is disposed of.

Copy of order be provided free of cost to parties.

**-sd/-**

(Khurshid A. Ganai) IAS Retd.

Chief Information Commissioner

J&K State Information Commission

No. SIC/CO/SA/526/2017/

Dated. -01-2018

Copy to the:

01. First Appellate Authority (FAA), O/o Director General of Police for information and necessary action.
02. Public Information Officer (PIO), O/o Director General of Police for information and necessary action.
03. PS to HCIC for information of the HCIC.
04. Appellant/Smt. Sunita Dubey W/o Ganesh Kumar R/o VPO Jakh, Tehsil Vijaypur District Samba A/P H.No. 452-A Gandhi Nagar, Jammu
05. Office file.

**(Sheikh Fayaz Ahmed)**

Registrar

State Information Commission

