



Jammu and Kashmir State Information Commission
(Constituted under Right to Information Act 2009)
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File No. SIC/J/A/182/2017.

Decision No. SIC/J/A/182/2017/**151**

Final Order:

Appellant : Sh. Sikander Singh
S/o Sh. Kaka Singh
R/o VPO Hamirpur Sidhar, Tehsil Khour
District, Jammu.

Respondents : FAA SDM, Khour.
PIO Tehsildar, Khour.

Date of Decision : **16-02-2018.**

Decision : Appeal disposed of.

Brief Facts:

Brief facts of the 2nd Appeal are that the appellant Sh. Sikander Singh filed an RTI application through registered post on 15.09.2017 addressed to the Public Information Officer/Tehsildar Khour. As per records on file, the PIO provided point wise reply to the appellant vide No The/K/2017-18/2206 dated 14.10.2017. The appellant however filed 1st Appeal before the FAA on 16.10.2017 alleging that no response had been received by him from the PIO to his RTI application. The First Appellant Authority /Sub Divisional

Magistrate Khour disposed of the 1st Appeal vide No. SDM/K/2017-18/589 dated 06.11.2017 with direction to the PIO to provide the information again to the appellant within week's time. On the ground of not receiving the reply from the PIO within stipulated time provide, the appellant came before the State Information Commission by filing the 2nd appeal on 21.11.2017 which was admitted on 11.12.2017 after completion of deficiencies.

Proceedings before the Commission:

The 2nd appeal came up for hearing before the Commission on 19.01.2018. The hearing was attended by the FAA/SDM Khour and the PIO/Tehsildar Khour. The PIO submitted that he has provided the requisite information on 14.10.2017. Besides, the FAA also filed his counter statement to the 2nd appeal. After going through the record and submission of the respondents, the hearing was adjourned with following directions:-

In view of the absence of the appellant and in order to provide him an opportunity of being heard, the hearing of this 2nd appeal is adjourned. The appellant is directed to attend the next date of hearing for presenting his arguments.

The time period for disposal of the appeal was also extended by another sixty days w.e.f. 10.02.2018 in terms of Section 16 (11) of the J&K RTI Act, 2009.

Decision:

The 2nd appeal came up for hearing again today on 16.02.2018. The FAA and PIO attended the hearing but neither

the appellant nor his any representative attended the hearing. Despite granting another opportunity of hearing to the appellant he has not turned up. It appears that the appellant is not interested in pursuing his 2nd appeal before the Commission. On the other hand the respondents have attended and produced the record. The appellant has failed to substantiate his claim for any information not provided so far due to continued absence from the proceedings before the Commission. Nevertheless, there is nothing on record to show that PIO/Tehsildar has provided any additional information after the orders of FAA/SDM Khour issued on 06.11.2017. The PIO therefore needs to implement the order of FAA dated 06.11.2017 and provide the balance /additional information, if any, and if necessary offer inspection of records in terms of the RTI Act and the Rules. This may be done within 30 days from the date of receipt of this order.

In view of the above the 2nd appeal is accordingly disposed of.

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

Sd/-

(Khurshid A. Ganai) IAS Retd.
Chief Information Commissioner,
J&K State Information Commission.

Copy to the :-

1. First Appellate Authority, Sub Divisional Magistrate (SDM) Khour.
2. Public Information Officer, Tehsildar Khour.
3. Pvt. Secretary to HCIC for information of HCIC.

4. Sh. Sikander Singh S/o Sh. Kaka Singh R/o VPO Hamirpur Sidhar,
Tehsil Khour, District, Jammu.
5. Guard File.

(Shiekh Fayaz Ahmad)
Registrar,
J&K State Information Commission

