



Jammu and Kashmir State Information Commission
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Old Assembly Complex, Srinagar, 0194-2506660, 2506661

www.jksic.nic.in

File No. SIC/J/A/161-A/2017 /2017
Decision No. SIC/J/A/161-A/2017/1064

Final order

Appellant : Shri Atul Sudan,
S/O Shri Rajinder Kumar,R/O Opposite SBI, Kabir
Colony Akhnoor,Distt. Jammu
Respondent : First Appellate Authority(FAA)/Public Information
Officer, J&K Higher Education Department.
Date of Registration : 24.10.2017
Date of Decision : 20-02-2018

Brief Facts:

This Second Appeal under the J&K RTI Act,2009has arisen out of RTI application of Shri Atul Sudan submitted to the Public Information Officer(PIO) of Higher Education Department/Govt.Degree College, Akhnoor dated 03.03.2017 seeking following information:

- a. **Year wise details of various kinds of funds college get under various head from year 2013 to 2017.**
- b. **The year wise details of funds actually expended and activities undertaken during the aforesaid period.**
- c. **The year wise details of various kinds of repairs, renovation works, white wash performed and amount spent on each (give information in complete breakout).**
- d. **Year wise details of funds granted to college by department of youth services and sports for play ground in the college.**
- e. **Please provide him the complete details of the work done by the contractor of the play ground till now and also give details of the payment released to the contractor till now for the said work.**
- f. **Please provide me the details of all the purchasing done by the college form year 2013-17 under various heads alongwith the bills and details of bidders or quotations.**
- g. **Please provide him the details of the aqua water purifier for drinking water in the college and whether it is working or not. Also provide him the details of their purchasing alongwith bills and quotations.**

h. Please provide him all the details of the NSS activities done in the college from year 2013-17 and provide me the total funds spent(including programmes, refreshments, stationary etc) in the activities for aforesaid period alongwith the bills of all.

The appellant alleged that the concerned PIO had provided him incomplete and irrelevant information. Subsequently the appellant filed First Appeal before the First Appellate Authority (FAA), Director, Colleges, J&K on 07.05.2017. The FAA failed to dispose of the first appeal of the appellant. Aggrieved by the non-response of the FAA, the appellant filed this 2nd appeal before the State Information Commission (SIC) with the request that the PIO may be directed to provide him the requisite information.

On scrutiny of documents, some deficiencies were found and accordingly vide SIC's communication dated 01.09.2017, the appellant was asked to make up the deficiencies which he completed on 24.10.2017. Accordingly, notice was issued to the PIO, Higher Education Department on 11.01.2018 for submitting counterstatement and to appear before the Commission on 17.01.2018.

Proceedings before the Commission

The 2nd appeal came up for hearing in the first instance on 17.01.2018, however, both parties did not attend the hearing and was adjourned with the directions to both the parties to appear before the SIC on the next available date and finally the 2nd appeal came up for hearing today on 20.02.2018.

Shri Irfan Manzoor, Under Secretary, Higher Education Department represented on behalf of the FAA and Prof Kuldeep Sharma, Principal GDC, Akhnoor attended the hearing. However, the appellant did not attend despite due notice. In the counterstatement the Principal GDC, Akhnoor submitted that the requisite information had been provided to the appellant vide communication No. GDC/Aktt/17/139-140 dated 05.05.2017

Respondents were heard in detail and record placed on file was also perused.

Decision

After hearing the respondents, it transpired that since the respondents have provided the information to the appellant as submitted by the Principal, GDC, Akhnoor vide communication No. GDC/Aktt/17 / 139-140 dated 05.05.2017 and the appellant did not attend the hearings on 17.01.2018 and today (20.02.2018),nothing contrary was placed before the Commission. However,

the respondents are directed to provide the appellant remaining/balance information, if any as per his RTI application dated 03.03.2017 and contents of his 2nd appeal wherein he has alleged that incomplete information has been provided and in case there is any voluminous nature of information, then inspection of records may be offered to the appellant for the information sought by him. Although the appellant in his 2nd appeal has stated that the FAA also issued directions to the PIO, but there is nothing on record to indicate that the FAA/Director, Colleges has heard the 1st appeal or issued any directions which is really unfortunate and points to dereliction of duty and failure to carry out statutory responsibilities. This tendency on the part of FAAs, needs to be completely curbed and to that extent the SIC through the Registrar of the Commission shall issue and reiterate appropriate circular instructions.

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

The copy of the order be given free of cost both the parties.

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

Sd/-

(Khurshid A. Ganai)

Chief Information Commissioner

Copy to the :-

1. First Appellate Authority (FAA)/Director, Colleges, Higher Education Department, J&K for information and n/a
2. Public Information Officer (PIO) O/o Higher Education Department, Civil Secretariat, Jammu for information and n/a
3. Pvt. Secy. to CIC for information of the HCIC.
4. Shri Atul Sudan, S/O Shri Rajinder Kumar, R/O Opposite SBI, Kabir Colony, Akhnoor, Distt. Jammu-181201
5. Office Order file.

(Sheikh Fayaz Ahmed)

Registrar

J&K State Information Commission