



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/141/2017

Decision No. SIC/J/A/141/2017/**163**

Final Order:

Appellant : Sh. Bilal Ahmad, S/o Sh. Mohammad Rafiq,
R/o Samote, Tehsil Kotranka, District Rajouri.

Respondent : FAA/PIO, Rural Development Department.

Date of Registration : 06.11.2017

Date of decision : **05-03-2018.**

Decision : Appeal disposed of.

Brief Facts:

The applicant filed a RTI application on 10-07-2017 with Public Information Officer (PIO)/Assistant Commissioner Development (ACD), Rajouri requesting for information regarding list of Computer Assistants/GRS/Technical Assistants engaged in the District, the mode of selection for their selection, name and designation of Appointing Authority, copies of Advertisement Notice, the copies of engagement orders and qualification of the candidates engaged, besides the list of non plan works approved in respect of Block Budhal and Kotranka for the year 2015-16 and 2016-17. Since no information was provided by the PIO within the specified period, the appellant filed 1st appeal with Director, Rural Development, Jammu on 08-09-2017. During the course of hearing of the 1st appeal, the PIO provided the information to the appellant and the appellant was not satisfied with the said information. The FAA/Director, RDD disposed of the 1st appeal on 23-09-2017 directing the PIO (ACD Rajouri) to provide complete information to the appellant within two days positively free of cost under proper receipt with a warning to the PIO to be careful in future while dealing the cases pertaining to J&K RTI Act, 2009. As no information was provided by the PIO to the appellant even after the direction from the FAA, the appellant filed this appeal before the State Information Commission (SIC).

Proceedings before the State Information Commission (SIC):

The appeal came up for hearing before the SIC on 16-01-2018. The appellant was not present on the date of hearing. The PIO submitted that complete information sought by the appellant has been provided to him on 28-09-2017, after the direction of FAA issued on 23-09-2017. The PIO also submitted that the appellant has acknowledged the receipt of the information. Since the appellant was not present, the case was adjourned with the directions to the appellant to file rejoinder in case he has received the information.

The case again came up for hearing before the SIC today on 05-03-2018. The appellant denied to have received any reply from the PIO after the direction of the FAA dated 23-09-2017. The appellant denied to have received any communication from the PIO dated 28-09-2017 and also informed the Commission that the signatures on the acknowledgement receipt provided by the PIO is not his signature. The PIO furnished a copy of the information to the appellant during the hearing.

Decision:

In terms of sub-section (2) of section 7 of the J&K RTI Act, if the information is not provided by the PIO to the appellant within the period specified in sub-section (1) of section 7, it has to be deemed that the PIO has refused the request for information. In the present case the PIO has not provided the information to the appellant within the period specified in section 7(1) of the J&K RTI Act and therefore, he is deemed to have denied the information in terms of section 7(2). For the said default, the PIO is liable to penalty under section 17 of the J&K RTI Act.

Since the statutory period of disposal of this appeal by the SIC is expiring on 05-03-2018, this appeal cannot be adjourned any further and has to be disposed of. Accordingly the appeal is disposed of with the direction to the Registry to initiate proceedings under section 17 of the J&K RTI Act against the PIO for not providing the information to the appellant within the specified period. The appellant shall go through the information furnished by the PIO today during the hearing of the appeal and in case he feels that the information so provided is incomplete, misleading or false, he shall be at liberty to file a complaint before the State Information commission under of section 15 of the J&K RTI Act, 2009.

-sd-

(Mohammad Ashraf Mir),
State Information Commissioner,

No. SIC/J/A/141/2017

Dated: / /2018.

Copy to the:

- 1 Registrar, JKSIC for information and compliance.
- 2 First Appellate Authority (FAA) Joint Director, Rural Development Department, Jammu for information.
- 3 Public Information Officer (PIO), Assistant Commissioner Development, Rajouri for information.
- 4 PS to SIC for information of HSIC.
- 5 Sh. Bilal Ahmad, S/o Sh. Mohammad Rafiq R/o Samote Tehsil Kotranka, District Rajouri.
- 6 Guard file.

(Baldev Raj)
Joint Registrar,
J&K State Information Commission.