



Jammu and Kashmir State Information Commission

شنیشن کمیٹی انفارمیری اسٹیٹنڈ کشمیری جموں ا

(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/CO/SA/544/2017

Decision No. SIC/CO/SA/544/2017/1069

Final Order

(2nd Appeal)

- Appellant : Sh. Vijay Kumar,
C/o Zilladari office Kartholi, Near Sarore Nehar,
Bari Brahmana, Jammu-181133.
- Respondents : First Appellate Authority (FAA)/
Public Information Officer (PIO),
J&K Public Service Commission (J&KPSC).
- Date of Registration : 20.11.2017
- Date of Decision : 08.03.2018

Brief Facts:

The appellant Sh. Vijay Kumar, C/o Zilladari office Kartholi, Near Sarore Nehar, Bari Brahmana, Jammu-181133 while exercising his right to information filed RTI application dated: 14.03.2017 with the PIO, J&KPSC seeking information on 05 points regarding marks obtained by him, rank secured, certified copies of his OMR answer sheets, answer keys of political science paper (all series) and cut-off marks for shortlisting of interview in respect of Notification no. 048-PSC/DR-P/2016/09 dated: 19.03.2016.

Aggrieved by the response of the PIO, the applicant (now appellant) filed First Appeal with the FAA, J&KPSC on 29.07.2017. The FAA/Secretary, J&KPSC vide her letter dated: 14.08.2017 has intimated the appellant to appear before her on 04.09.2017 at 11:00 a.m. for personal hearing but it was not clear from the record whether the First Appeal has been disposed of or not.

Aggrieved by the non-disposal of the First Appeal by the FAA and the non-provision of requisite information by the concerned PIO, the appellant approached the State Information Commission (SIC) by filing 2nd Appeal which was admitted on 20.11.2017.

Proceedings:

The instant 2nd Appeal came up for hearing before the State Information Commission (SIC) on 10.01.2018. The hearing was attended by PIO/Sh. Ganshyam Singh, Additional Secretary, J&KPSC. The appellant was also present.

During the hearing on 10.01.2018, the PIO stated that he will provide the information to the appellant as soon as possible. He also submitted counter reply/statement by way of reply to the 2nd appeal of the appellant. The last para of the statement/reply from the respondents reads as under:-

Pursuant to the decision of the Hon'ble Chief Information Commissioner, (SIC) J&K dated 26.10.2017, in case titled Maidah Begum v/s First Appellate Authority/PIO, the Public Service Commission after consideration has approved to provide the information to the information

seeker and all such similarly situated cases, where the selection process has been taken to its logical conclusion. Since the selection process in this case has also been completed and copy of the answer key alongwith copy of OMR sheets of the appellant will be provided to him through PIO, Examinations in due course of time.

The appellant stated that the respondents have failed to provide him the information till date.

The hearing was adjourned with the following directions:

"The PIO/Addl. Secretary, PSC is directed to provide the Answer Key and OMR sheet to the appellant within 15 days from the date of receipt of this order."

This 2nd appeal was filed in the SIC on 20.11.2017 and first sixty days expired on 20.01.2018 but owing to the need for conduct of more hearings for appropriate and final disposal of the appeal, the time period for disposal was accordingly extended by another 60 days up to a maximum of 120 days from the date of admission of the appeal in terms of Section 16 (11) of the J&K RTI Act, 2009.

The appeal again came up for hearing today on 08th of March, 2018. The PIO/Sh. Vinay Samotra, KAS Deputy Secretary & Deputy Controller of Examinations, J&KPSC was heard through Video Conferencing from Srinagar office of the SIC. The appellant remained absent.

During the hearing, the respondent PIO submitted that he has provided the requisite information to the appellant as per his RTI

application in compliance with the directions of the SIC issued during the last hearing conducted on 10.01.2018.

Decision:

Since the appellant did not attend the hearing despite advance notice, there is no option before the SIC but to assume that he has been provided the full information as reported by the PIO today on 08.03.2018 and that there is nothing left to adjudicate in this second appeal. Accordingly, this second appeal is disposed of as closed.

Copy of this decision be given free of cost to the parties.

Sd/-
(Khurshid A. Ganai)
Chief Information Commissioner
J&K State Information Commission

(P.A. Ajay)

No: SIC/CO/SA/544/2017 _____

Dated: . .2018

Copy to:

1. First Appellate Authority (FAA)/Secretary, J&K Public Service Commission for information.
2. Public Information Officer (PIO)/Deputy Secretary & Deputy Controller of Examinations, J&K Public Service Commission for information.
3. Private Secretary to CIC for information of the HCIC.
4. Appellant/Sh. Vijay Kumar, C/o Zilladari office Kartholi, Near Sarore Nehar, Bari Brahmana, Jammu-181133 for information.
5. Office file.

(Sheikh Fayaz Ahmed)
Registrar
J&K State Information Commission