



Jammu and Kashmir State Information Commission

شنیشن کمیٹ انفارمیری اسٹینیٹ 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

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File No. SIC/CO/SA/570/2018

Decision No. SIC/CO/SA/570/2018/1074

Final Order

(2nd Appeal)

- Appellant : Sh. Ved Parkash Sharma,
Ex-I/C Superintendent,
R/o. Badyal Brahmana,
Tehsil R.S. Pura, District Jammu.
- Respondents : First Appellate Authority (FAA)/
Public Information Officer (PIO),
O/O. Directorate of Archives, Archaeology and
Museums, Government of J&K.
- Date of Registration : 23.01.2018
- Date of Decision : 20.03.2018

Brief Facts:

This second appeal has arisen from the RTI application dated: 28.09.2017 (sent by registered post on 04.10.2017) filed by one Sh. Ved Parkash Sharma, Ex-I/C Superintendent, R/o. Badyal Brahmana, Tehsil R.S. Pura, District Jammu with the PIO, O/O Director, Archives, Archaeology and Museums, J&K seeking the following information:

a. *Copy of Service Book (duly attested) of the applicant which is lying in the personal custody of Sh. M.S. Zahid DAMA (as already admitted by him on 27.04.2017 at Jammu)*

or

b. *A certificate to the effect that the Service Book of the applicant which was returned by the AG Jammu after settlement of his pension case has/has not been received in the office of the Director, Archives, Archaeology & Museums, J&K.*

In response, the PIO vide No. ADAAMK: 632-34/AD-08/RTI dated: 27.10.2017 had informed the applicant that he should apply for the same to the PIO of the Jammu office of the Directorate, as the case is pertaining to Jammu province and also referred to letter No. DAMA: 1827-28/RTI-123/File-11 dated: 25.10.2017 from Director, Archives, Archaeology and Museums, J&K Government mentioning therein that the Service Book is an official record and is in safe custody of concerned DDO of the department.

Following this, the applicant (now appellant) was informed by Deputy Director, Archives, Archaeology & Museums, Jammu that his Service Book has not been received in the office till date. The appellant then filed First Appeal before the First Appellate Authority i.e. Director, Archives, Archaeology and Museums, J&K Government who disposed of his appeal within the stipulated time period vide his order dated: 19.12.2017 directing the PIO/Deputy Director, Archives, Archaeology and Museums, Jammu to send Xerox copy of the relevant document to the applicant after collecting the fee of copying provided the same is not covered within the restricted sections of the RTI Act, 2009.

Proceedings before the Commission:

In compliance to the notice of the Commission dated: 13.03.2018, Sh. Tsering Tashi, Deputy Director, Jammu, Department of Archives, Archaeology & Museums attended the hearing on 20.03.2018. The appellant did not attend.

The PIO/Deputy Director, Department of Archives, Archaeology & Museums, Jammu submitted that he has complied with the directions of the Director, Archives, Archaeology and Museums, J&K Government on 19.03.2018 and provided a copy of the Service Book as requested by the appellant Sh. Ved Parkash Sharma through registered post. He also handed over a copy of reply dated: 19.03.2018 alongwith photocopy of the Xerox copy of information requested to the Commission which was then placed on file.

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 19.03.2018, and that there is nothing left to adjudicate in this second appeal. Accordingly, this second appeal is disposed of as closed. The appellant is free to report non-compliance in case it is proved that he has not received the documents which the PIO reportedly despatched to the appellant through registered post.

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/570/2018_____

Dated: . .2018

Copy to:

1. First Appellate Authority (FAA)/Director, Archives, Archaeology and Museums, Government of Jammu & Kashmir for information.

2. Public Information Officer (PIO)/Deputy Director, Directorate of Archives, Archaeology and Museums, Government of Jammu & Kashmir, Jammu for information.
3. Private Secretary to CIC for information of the HCIC.
4. Appellant/Sh. Ved Parkash Sharma, Ex-I/C Superintendent, R/o. Badyal Brahmana, Tehsil R.S. Pura, District Jammu for information.
5. Office file.

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