



## **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](http://www.jksic.nic.in)

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File No. SIC/J/A/123/2017

Decision No. SIC/J/A/123/2017/**174**

### **Final Order:**

Appellant	:	Sh. Parvez Mughal, General Secretary, Awake India, Ward No-13, Tehsil Haveli, District Poonch.
Respondent	:	FAA/PIO, PWD(R&B).
Date of Registration	:	16-11-2017
Date of decision	:	<b><u>16-03-2018.</u></b>
Decision	:	Appeal disposed of.

### **Brief Facts:**

In the present case the applicant had filed RTI application with the PIO/Executive Engineer, PWD(R&B) Division Poonch on 30-05-2017 seeking following information:

1. Quantum of funds released on Chandak Mandi Road, Mandi Loran Road and Loran Sultan Pathri Road during the period April 2015 till date.
2. Copies of estimate along-with drawing prepared in respect of each part of the works before starting/execution of the each work.
3. Copies of all notices inviting tender.
4. Copies of all the comparative statements.
5. Copies of allotments of each work.
6. Copies of pre-mid post photographs of each work.
7. Copies of the all work registers.
8. Copies of work done estimate of each work.
9. Copies of MBs and Bills passed.
10. Intimate the Major Heads from which the payments of the works have been released/dispensed.

On failure of the PIO to provide information, the applicant filed 1<sup>st</sup> appeal before the First Appellate Authority (FAA)/S.E, PWD(R&B) Poonch, Rajouri Circle on 03-07-2017. However, the FAA did not dispose of the 1<sup>st</sup> appeal with the result the

applicant filed 2<sup>nd</sup> appeal before the State Information Commission (SIC) on 09-10-2017, which was registered in the SIC on 16-11-2017.

**Proceedings/Decision:**

The instant 2<sup>nd</sup> appeal was listed for hearing before the State Information Commission on 21-12-2017. The respondents were present on the hearing while as the appellant did not attend the hearing. The PIO was directed vide interim order dated 21-12-2017, to prepare the requisite information and furnish the same to the appellant within 15 days from the date of receipt of the order.

The appeal again came up for hearing before the SIC on 15-02-2018. Neither the appellant nor the respondents were present despite of due notices for hearing issued to them. The appeal was adjourned with the direction to both the parties to be present before the SIC on the next date of hearing.

The appeal once again came up for hearing before the SIC today on 16-03-2018. None of the parties were present. By continued absence of the appellant to attend the hearings before the SIC, indicates that the appellant has lost interest in pursuing the appeal before the SIC. Such kind of non-seriousness on the part of the appellant not only makes a mockery of the entire RTI mechanism but also results in wastage of time and energy of the State Information Commission as well as the public authority. Unfortunately, there is no provision in the J&KRTI Act, 2009 for penalizing the non-serious appellants and for taking the entire RTI structure for a ride. Had there been one, the present case was fit for proceeding against the appellant. But for such a provision in a Act, the SIC can only dismiss the appeal for non-prosecution.

The appeal is accordingly, dismissed.

However, before departing, the SIC would like to observe that the FAA has failed to discharge his duty and responsibility of deciding the 1<sup>st</sup> appeal within the period specified in sub-section (7) of section 16 of the J&K RTI Act. The FAA is therefore, advised to discharge the statutory responsibilities as an appellate authority under the Act judiciously and thoughtfully in future as is expected of a quasi judicial authority. Had the FAA decided and disposed of the 1<sup>st</sup> appeal properly, the appellant might not have felt the need to file this 2<sup>nd</sup> appeal before the State Information Commission.

**-sd-**

(Mohammad Ashraf Mir),

No. SIC/J/A/123/2017

Dated:     /     /2018.

Copy to the:

- 1 First Appellate Authority (FAA) Superintending Engineer, PWD(R&B) Poonch, Rajouri Circle for information and compliance.
- 2 Public Information Officer (PIO), Executive Engineer, PWD(R&B) Division Poonch for information.
- 3 PS to SIC for information of HSIC.
- 4 Sh. Parvez Mughal, General Secretary, Awake India, Ward No-13, Tehsil Haveli, District Poonch.
- 5 Guard file.

(Sheikh Fayaz Ahamd)  
Registrar,  
J&K State Information Commission.