



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/K/SA/17/2018

Decision No. SIC/K/SA/17/2018/05

Final Order

Appellant : Sh. Mirza Hussain S/o Haji Hamza
R/o Balti Bazar, Kargil

Respondent : First Appellate Authority (FAA)/ Distt.
Sheep Husbandry Officer, Kargil /
Public Information Officer (PIO)/Asstt.
Director KSF, Khumbhathang, Kargil

Date of Registration : 08.02.2018

Date of Decision : 10.04.2018

Brief Facts:

The brief facts of this 2nd appeal are that that the appellant filed an RTI Application before the PIO/Assistant Director, KSF Khumbathang, kargil on 23.08.2017 seeking information through three queries pertaining to providing of seeds to Pak refugees, providing of agricultural tools to Pak refugees and amount spent for

development of land belonging to Pak refugees and details thereof in each case. Due to the failure of the PIO in providing him the requisite information within the stipulated time, the appellant/the then RTI applicant filed the First appeal before the District Sheep Husbandry officer, Kargil on 21.12.2017. Aggrieved by the inaction of the FAA, the appellant filed the 2nd appeal before the State Information Commission (SIC) on 08.02.2018 with the prayer that the respondents be directed to provide the requisite information to him without further delay.

This 2nd appeal came up for hearing today on 10.04.2018. The respondent PIO was on leave w.e.f 10th April, 2018 as reported by District Sheep Husbandry Officer LAHDC Kargil vide letter dated 10.04.2018. FAA/District Sheep Husbandry, Officer was also absent from the hearing. Dr. Zakir Hussain, O/O District Sheep Husbandry officer LAHDC Kargil attended the hearing from NIC Kargil as per notice of the Commission and was heard through voice call in view of failure of video conferencing. The appellant did not attend.

In view of expiry of First 60 days in this 2nd appeal on 08.04.2018 since filing of 2nd appeal, the time of disposal is extended by another 60 days w.e.f 08.04.2018 in terms of section 16(7) to

enable more hearings and appropriate and objective disposal of this appeal in terms of the RTI Act.

During the hearing Dr. Zakri Hussain submitted that the requisite information has already been provided to the appellant and the SIC stands already informed about the same vide letter dated 09.03.2018.

In view of the statement of Dr. Zakri Hussain that the requisite information has already been provided to the appellant and in token of confirmation of this assertion he has subsequently e-mailed a written note in this regard vide letter dated 10.04.2018 whereunder it has been mentioned that the information has already been sent to the appellant Sh. Mirza Hussain through speed post bearing **No. RL A RE857332571IN** dated 10.03.2018.

In view of the submission made by Dr. Zakri Hussain O/O FAA verbally and in writing as stated above, this appeal is disposed of as such. However, the appellant is free to file a complaint with the Commission if he is not satisfied with the information provided to him in terms of his RTI application. The absence of FAA was viewed seriously. Registry will take up the matter with the Office of DC/CEO

LAHDC, Kargil and seek his report in the matter. The PIO/Asstt. Director, KSF, Khumbhathang, Kargil be asked to intimate why penalty may not be imposed on him for not providing the information within the stipulated period of 30 days in terms of Section 7(1) of the J&K RTI Act, 2009.

Sd/-
(Khurshid A. Ganai)
Chief Information Commissioner

Copy to the:

1. FAA/District Sheep Husbandry Officer, LAHDC-Kargil
2. PIO/Asstt. Director KSF Khumbathang Kargil
3. Pvt Secy to HCIC
4. Appellant-Sh. Mirza Hussain S/o Haji Humza R/o Balti Bazar, Kargil

(M.S. Bhat)
Dy. Registrar
J&K State Information Commission,
Srinagar