



Jammu and Kashmir State Information Commission

شنیشن کمیٹی انفارمیری اسٹیٹسٹ 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/550/2017

Decision No. SIC/CO/SA/550/2017/1087

Final Order

(2nd Appeal)

Appellant : Sh. Shamas-Ud-Din Shaaz (Advocate).

Respondents : First Appellate Authority (FAA)/
Public Information Officer (PIO),
Social Welfare Department, J&K Civil Secretariat.

Date of Registration : 07.12.2017

Date of Decision : 04.04.2018

Brief Facts:

The appellant Sh. Shamas-Ud-Din Shaaz (Advocate), J&K High Court at Jammu R/o. A/P 72-C, Sector 2, Ganga Nagar, Bantalab, Jammu while exercising his right to information filed RTI application dated: 14.07.2017 with the PIO/Programme Officer, ICDS, Poonch seeking information on 04 points as under:

- a) Kindly provide seniority list of Anganwadi workers who are matriculate, 10+2, graduate and post graduate of District ICDS Poonch up to date.*

- b) Kindly provide the lists sanction strength of supervisor in District Poonch direct recruited and promoted.*
- c) Kindly provide the copies of appointments and promotions of Anganwadi workers promoted on District Poonch from 2005 to till date.*
- d) Kindly provide the seniority list of Anganwadi workers of Tehsil Surankote.*

Aggrieved by the response of the PIO, the applicant (now appellant) filed First Appeal with the FAA/State Mission Director, ICDS J&K Civil Secretariat on 28.09.2017 which as per documents on file remained unheard and undisposed.

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 07.12.2017.

Proceedings:

The instant 2nd Appeal came up for hearing before the State Information Commission (SIC) for the first time on 19.01.2018. The hearing was attended by the PIO/Sh. Ab. Qayoom Malik, Additional Secretary to Government, Social Welfare Department and Shri Farhat Choudhary (representative of the appellant). The hearing was adjourned with the following directions:

"In view of the submission made by the representative of the appellant the hearing in this 2nd appeal is adjourned.

Registry is directed to fix the case again for hearing before the Commission on the next available date and also send a copy of the 2nd appeal of the appellant to the PIO, Social Welfare Department. "

This 2nd appeal was filed in the SIC on 07.12.2017 and first sixty days expired on 07.02.2018 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 on 13.03.2018. The hearing was attended by PIO/Sh. Ab. Qayoom Malik, Additional Secretary to Government, Social Welfare Department, PIO, ICDS, Poonch and the appellant. The hearing was adjourned with the following directions:

"Since the respondents have provided information to the appellant during the proceedings today on 13.03.2018, the appellant is directed to go through the information provided to him by the respondents and file a rejoinder if any, before the next date of hearing. Accordingly, this 2nd appeal is adjourned with the directions to the Registry to list this 2nd appeal again for hearing on next available date."

The appeal again came up for hearing today on 04.04.2018. Neither the respondent PIO/FAA nor the appellant attended the hearing. Sh. Mohd. Mushtaq, Supervisor/Dealing Assistant, RTI ICDS, J&K appeared on behalf of the respondent PIO and submitted that the PIO could not attend due to some administrative exigencies.

Decision:

From the perusal of record placed on the file, it transpires that the information was given on 13.03.2018. The appellant was directed to file rejoinder vide interim order dated: 13.03.2018. Since the appellant has not filed the rejoinder and even not attended the hearing today, despite advance notice, it is assumed that the appellant has no grievance with the information already provided to him. Therefore, this appeal is accordingly disposed of as closed without further directions to the respondent PIO/FAA.

*With the above observations, the second appeal is disposed of.
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/550/2017 _____

Dated:

Copy to:

1. First Appellate Authority (FAA)/State Mission Director, ICDS J&K Civil Secretariat for information.
2. Public Information Officer (PIO)/Additional Secretary to Government, Social Welfare Department for information.
3. Public Information Officer (PIO)/Programme Officer, ICDS, Poonch for information.
4. Private Secretary to CIC for information of the HCIC.
5. Appellant/Sh. Shamas-Ud-Din Shaaz (Advocate), J&K High Court at Jammu R/o. A/P 72-C, Sector 2, Ganga Nagar, Bantalab, Jammu for information.
6. Office file.

(Sheikh Fayaz Ahmed)

Registrar

J&K State Information Commission