



**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**

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File No. SIC/J/A/173/2017

Decision No. SIC/ J/A/173/2017/**200**

**FINAL ORDER**

Appellant : Sh. Munier Hussain Poswal State Vice  
R/o President all (J&K) Dodhi Banyara  
Association

Respondent : First Appellate Authority (FAA)/Deputy  
Commissioner, Poonch, Public  
Information Officer (PIO)/Tehsildar,  
Mendhar

Date of Registration : 11-12-2017

Date of Decision : 09-04-2018

**Brief Facts:**

The brief facts of this 2<sup>nd</sup> appeal are that the appellant Sh. Munier Hussain Poswal filed 2<sup>nd</sup> appeal against First Appellate Authority (FAA)/Deputy Commissioner, Poonch, Public Information Officer (PIO)/ Tehsildar, Mendhar on 14-11-2017 and admitted on 11-12-2017 after completion of deficiencies. The appellant has alleged that the PIO/Tehsildar, Mendhar has failed

to respond to his RTI application dated 17-08-2017 despite the lapse of 81 days. Thereafter, first appeal was filed on 03-10-2017 before the FAA/Deputy Commissioner, Poonch who has also failed to decide the said appeal. The appellant has requested the Commission to take action against the concerned PIO with directions to provide the information sought.

As per records of the 2<sup>nd</sup> appeal, the appellant has filed the RTI application on 17-08-2017 seeking information on 55 questions mentioned in the said application but the PIO did not provide the information to the appellant. On 03-10-2017, the appellant filed First Appeal before the FAA, O/o Deputy Commissioner, Poonch against inaction of PIO viz-a-viz his RTI application, but the FAA has also failed to decide the said appeal.

**Proceedings before the Commission:**

The 2<sup>nd</sup> appeal came up for hearing for first time on 15-02-2018. Appellant and FAA/Deputy Commissioner, Poonch attended the hearing on the said date. During the proceedings, it was observed that the appellant has sought voluminous information and his RTI application has 55 queries asking for various types of information pertaining to the Revenue Department/Office of

Tehsildar, Mendhar. Accordingly, it was directed that Tehsildar, Mendhar will offer inspection of records (Section 2 (i) read with Section 3 of the Act) to the RTI applicant and provide photocopies of identified documents in terms of the RTI application, provisions of the RTI Act and the Rules and wherever third party proceedings under section 11 are required to be conducted, the same may be done in terms of the said section. It was also directed that the appellant be allowed inspection and provided photocopies of only that part of the record which is not exempted under section 8 of the Act.

The 2<sup>nd</sup> appeal came up for final hearing today on 10-04-2018 at Srinagar. The appellant and FAA/ADC, Poonch were heard through teleconferencing as Video Conferencing could not be held due to some technical problems. The PIO/Tehsildar Mendhar was not present as he was busy in a meeting at Rajouri with the Hon'ble Revenue Minister, J&K State who was on tour to Rajouri.

**Decision:**

It is directed that the head of the Public Authority i.e. Deputy Commissioner, Poonch will ensure to have the information provided to the appellant/RTI applicant in terms of his RTI

application and the interim orders issued by this Commission on 15-02-2018. The FAA/ADC, Poonch has agreed to abide by the directions issued by this Commission today. Appellant shall contact the FAA/ADC, Poonch through Post or telephone or personally who then shall ensure implementation of this Commission's order dated 15-02-2018.

In view of the submission made by the FAA, there remains nothing to be adjudicated upon in this 2<sup>nd</sup> appeal. Accordingly, 2<sup>nd</sup> appeal filed before the SIC is disposed of.

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

No: SIC/J/A/173/2017\_\_\_\_\_

Dated: .04.2018

Copy to:

1. Registrar, J&K SIC for information.
2. FAA/ Deputy Commissioner, Poonch for information and necessary action.
3. PIO/ Tehsildar Mendhar for information and necessary action.
4. Private Secretary to HCIC for information of HCIC.
5. Appellant/Sh. Munier Hussain Poswal, State Vice President all (J&K) Dodhi Banyara Association R/o Village Kurla Chhajla, Tehsil Mankot, District Poonch Pin 185211.
6. Office file.

(Baldev Raj)  
Joint Registrar  
J&K State Information Commission

Zahoor A Bhat