



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/CO/COMP/161/2017
Decision No. SIC/CO/COMP/61/2017/1093

FINAL ORDER

Complainant : **Mr. M. M. Shuja.**
Respondents : **FAA/PIO, GAD, J&K Civil Secretariat, Srinagar.**
Date of Registration : **10-10-2017.**
Date of Decision : **06-04-2018.**

Brief Facts:-

Briefly, the facts of this complaint are that the complainant Mr. M. M. Shuja, R/o. Samad Complex, Bhagat Chowk, Srinagar, filed an RTI Application dated: 07-07-2017 with the Public Information Officer (PIO), O/o General Administration Department (GAD), J&K Civil Secretariat, Srinagar, seeking the following information:

- 01. Number of senior KAS officers transferred from one deptt. to another prematurely with effect from 01-01-2017 till 22-July-2017 and the reasons for such premature transfers.*

02. *Copies of transfer and appoint orders of Principal Govt. Medical College Srinagar, commissioner Srinagar Municipal Corporation and Secretary to Govt. Law deptt.*
03. *Names of officials having been given key administration position despite strictures and directions of the Hon'ble High Court assigning reasons for postings.*

Aggrieved by the response of the PIO dated 17.08.2017 the complainant approached the Commission with a complaint which was admitted on 03-10-2017.

Proceedings before the Commission on 06.04.2018 at Jammu:

The instant complaint came up for hearing before the Commission on 06-04-2018. The hearing was attended by Sh. Sanjay Tickoo, Under Secretary-cum-Public Information Officer (PIO), General Administration Department. The complainant was heard through Video Conferencing from Srinagar office of the Commission.

During the hearing, the complainant stated that he did not receive the requisite information sought by him through his basic RTI application dated: 07-07-2017, which compelled him to file a complaint before the Commission. On being enquired about this, the PIO submitted that the Indian Postal Order (IPO) furnished by the complainant (the then RTI applicant) along with the basic RTI application received in his office on 26-07-2018 was defective, as it was payable to the PIO, GAD instead of Accounts Officer, as required under the J&K RTI Rules, 2012. He further submitted that intimation about the said deficiency was communicated to the complainant (the then RTI applicant) vide communication dated: 17-08-2017, however, the complainant failed to make good the

deficiency, as such requisite information was not provided to him. The PIO also submitted a counter reply in support of his arguments before the Commission.

The complainant, on the other hand, submitted that he had done the needful by filing a fresh Indian Postal Order as per the above said rule with a copy of the RTI application on 23-08-2017, which is part of the record. In response to this, the PIO submitted that he had not received any such postal order from the complainant and that he also verified this from the concerned receipt section but did not find any new receipt of IPO or application.

The complainant was then asked whether he can file a fresh postal order duly payable to Accounts Officer, GAD for getting the requisite information, to which he agreed.

Decision:

In view of the submissions of both the parties, the State Information Commission (SIC) directs the PIO, General Administration Department to entertain the fresh RTI application and the Indian Postal Order (IPO) made as per Rule 3 of the J&K RTI Rules, 2012 which will be submitted by the complainant as agreed by him during the hearing and he shall then be provided the requisite information from the available record, as expeditiously as possible, in terms of Section 7(1) of the J&K RTI Act, 2009. The complainant is then free to file 1st Appeal in case he does not get the requisite information/reply from the PIO in time as provided under the RTI Act, before approaching the Commission in 2nd Appeal, if need be. He can also file a complaint under Section-15 if there will be grounds for filing such

complaint. So far as this complaint is concerned, it has transpired that the PIO has acted as per the RTI rules and hence no action is warranted against him under the J&K RTI Act, 2009.

With the above directions, this complaint is disposed of accordingly.

Copy of this order be given free of cost to the parties.

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

No: SIC/CO/COMP/161/2017_____

Dated: .04.2018

Copy to:

1. Registrar, J&K SIC for information.
2. PIO, General Administration Department, Civil Secretariat, Jammu for information and necessary action.
3. Private Secretary to HCIC for information of the HCIC.
4. Complainant/Sh. M. M Shuja, RTI Activist Sr. Journalist R/O Samad Complex Bhagat Chowk Srinagar, Room No. 313 for information.
5. Office file.

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

Zahoor A Bhat