



Jammu and Kashmir State Information Commission

شنیشن کمیٹی انفارمیری اسٹیٹسٹونڈ کشمیر 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/557/2018
Decision No. SIC/CO/SA/557/2018/1096

Final Order
(Second Appeal)

Appellant : **Mr. Akash Ahmad Mir**
Respondents : **First Appellate Authority (FAA)/
Public Information Officer (PIO), J&K,
S.R.T.C.**
Date of Registration : **01-01-2018**
Date of Decision : **04-04-2018**

Brief Facts:-

Briefly the facts of the case are that the appellant Mr. Akash Ahmad Mir filed an RTI application dated: 01-07-2017, with the Public Information Officer (PIO), O/o J&K S.R.T.C., Srinagar, seeking the following information:

01. Seniority list of Cleaners 1984-1985.
02. Seniority list of Conductors 1996-1997.
03. Seniority list of Conductors 2010-2011

04. Promotion orders of Seniority list of 1984-85, 1996-97 and 2010-2011 with details of promotion up to 21-05-2017 as Jr. Assistants from same list.

His said RTI Application was responded by the PIO on 03-07-2017 i.e. within the prescribed time period. Being aggrieved by the PIO's response, the appellant filed 1st Appeal with the First Appellate Authority (FAA) on 17-07-2017. As per the record, FAA did not dispose of the 1st Appeal which constrained the appellant to approach the Commission in 2nd Appeal which was admitted in the Commission on 01-01-2018.

Proceedings before the Commission:-

The instant 2nd Appeal was taken up for hearing before the Commission on 12-02-2018, however neither respondents nor appellant appeared for hearing as such the hearing was adjourned in order to give opportunity of being heard to the parties.

The statutory time period of sixty days in this 2nd Appeal had expired on 01-03-2018 and accordingly the time period for disposal was further extended by another sixty days w.e.f. 01-03-2018 in terms of Section 16 (11) of the J&K RTI Act, 2009 to enable the SIC to conduct more hearings for judicious and appropriate disposal in the interest of the objectives of the J&K RTI Act, 2009.

The case was listed for the final hearing on 04-04-2018. The hearing was attended by Sh. Hafiz Ahmad, Manager (Adm) cum Public Information Officer and the appellant, Mr. Akash Ahmad Mir. During the hearing the appellant submitted that he has not been provided the requisite

information as sought for by him through his basic RTI Application dated 23-05-2017. In response the PIO submitted that the said RTI Application was replied by the PIO on 03-07-2017 by providing the requisite information as available on the records.

After hearing the parties and on perusal of record, it transpires that the bone of contention between the parties is regarding the availability of information on query No. 1 & 2 of the basic RTI Application. While the appellant is contesting for provision of information relating to the seniority of cleaners of 1984-1985 and seniority list of conductors of 1996-1997 which the department is denying on the basis of non availability of record in the first case and seniority list not having been issued in respect of second one, the appellant's argument is that when seniority list was not framed in respect of conductors for the year 1996-1997, how the promotion orders were issued. He further alleges that his Date of Birth has been wrongly entered in records by the Department.

Decision:-

After having heard the parties, and in the light of the facts of the case, the Commission observes that the PIO should again go through the records available with the department and prepare a fresh para-wise reply as per the basic RTI Application of the appellant and provide the same to him within a period of 21 days from the date of receipt of this order. The appellant is free to file a complaint under Section 15 in case of the contravention of the Commission's directions by the PIO. So far as the wrong entry in

D.O.B. of the complainant is concerned, as alleged by the complainant, he is advised to approach the Department through a representation for redressal of his grievances.

During the hearing of this complaint it also transpired that there is lack of understanding and seriousness among the officials of the SRTC about RTI. This needs to be addressed. It will, therefore, be appropriate to exercise powers under section 16 (9) and direct the Public Authority i.e. J&K SRTC through its Managing Director (MD) to take requisite steps as may be necessary to secure compliance with the provisions of the Act by immediately setting up and ensuring a Section 4 compliant website for J&K SRTC, if not already set up, and also to ensure that administrative arrangements are in place to provide access to information to the RTI applicants and First Appeal appellants. A compliance report shall also be filed by the said MD, J&K SRTC after a period of two months from the date of issue of this order.

With the above directions and observations, this 2nd Appeal is disposed of.

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

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

No: SIC/CO/SA/557/2018_____

Dated: .04.2018

Copy to:

1. Registrar, J&K SIC for information.

2. Managing Director J&K, SRTC for information and necessary action.
3. FAA/ J&K SRTC for information and necessary action.
4. PIO/ J&K SRTC for information and necessary action.
5. Private Secretary to HCIC for information of HCIC.
6. Appellant/Mr. Akash Ahmad Mir S/O Sana Ullah Mir R/O Y.K Pora Qazigund Anantnag, M. No. 9622621678 for information.
7. Office file.

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

Zahoor A Bhat