



Jammu and Kashmir State Information Commission

شہنیشن کمیٹی انفارمیری اسٹیٹ کنٹ 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/J/A/190/2017

Decision No. SIC/J/A/190/2017/176

Final Order

(Second Appeal)

- Appellant : Sh. Som Dutt,
S/o. Sh. Bayian Ram,
R/o. Gurha Brahmana, Tehsil Akhnoor,
District: Jammu.
- Respondents : First Appellate Authority (FAA)/
Public Information Officer (PIO), O/O Deputy
Commissioner, Jammu.
- Date of Registration : 22.12.2017
- Date of Decision : 12.03.2018

Brief Facts:

The appellant Sh. Som Dutt, S/o. Sh. Bayian Ram, R/o. Gurha Brahmana, Tehsil Akhnoor, District: Jammu filed 2nd appeal under section 16 (4) of the J&K RTI Act, 2009 with the J&K State Information Commission interalia stating that he had filed an RTI application with the PIO/Tehsildar, Recovery Jammu on 15.12.2016 through registered post and sought the information regarding the copy of the Action Taken Report

on recommendation made by Sub Divisional Magistrate (SDM), Akhnoor vide No. SDM/AKH/12.13/250 dated: 08.12.2012 addressed to Deputy Commissioner, Jammu. That the PIO vide his letter No. Spl/Teh/Rec/Jmu/89 dated: 18.01.2017 had informed the appellant that the whole record was searched but no such report was found. Feeling aggrieved by the response of the PIO, the appellant preferred First Appeal on 09.02.2017 before the FAA/Deputy Commissioner, Jammu. The FAA too could not provide him the requisite information. At last, the appellant approached the State Information Commission (SIC) by filing 2nd appeal which was admitted on 22.12.2017 after completion of deficiencies.

In his 2nd appeal, the appellant has stated that he has not received the requisite information and that the respondents may be directed to provide the information.

Proceedings:

The 2nd appeal came up for hearing for the first time on 15.01.2018. The hearing was adjourned on the plea of the appellant and his application dated: 15.01.2018.

The appeal again came up for hearing on 01.02.2018. The hearing was attended by PIO/Tehsildar Recovery, Jammu as well as the appellant.

The PIO submitted that the whole record of Roshni cases was searched but no report of SDM, Akhnoor dated: 17.06.2012 or 08.12.2012 recommending cancellation of land allotment was found in the record.

The appellant denied to have received any communication from the PIO after the disposal of First Appeal by the Deputy Commissioner, Jammu.

The hearing was adjourned with the following directions:

"After hearing the parties and perusal of record, the Commission finds it proper to direct the PIO/Tehsildar Recovery to transfer the RTI application to the PIO, O/O Deputy Commissioner, Jammu for disposal after due consideration of the order of FAA/DC, Jammu issued in the 1st Appeal on 26.07.2017. The needful be done within 30 days from the date of receipt of this order."

The statutory time period of sixty days in this 2nd appeal expired on 21.02.2018 and accordingly the time period for disposal was further extended by another sixty days in terms of section 16 (11) of 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 appeal again came up for hearing today on 12.03.2018. Sh. K.A. Shah, Senior Law Officer (SLO), O/O Deputy Commissioner, Jammu and the appellant attended the hearing. The representative of the DC office, Jammu submitted that PIO is on Maternity Leave and none of the officer has been appointed in her place. He further submitted that the office of the Deputy Commissioner, Jammu is pursuing the instant case with SDM, Akhnoor and Assistant Commissioner (General) Jammu and they are trying to locate the record and once the record is located the PIO, O/O Deputy Commissioner, Jammu will dispose of the RTI application.

Both the parties were heard at length and record perused.

Decision/Directions:

After hearing both the parties and perusal of record, it transpires that the main issue in the instant appeal is of procuring the record from SDM office, Akhnoor and disposing of the appeal accordingly on the basis of that record. Therefore, the State Information Commission (SIC) directs the PIO, O/O Deputy Commissioner, Jammu to dispose of the RTI application in terms of SIC's Interim Order dated: 01.02.2018 passed in the instant appeal after receipt of record from SDM office, Akhnoor and after doing the needful the PIO, O/O Deputy Commissioner, Jammu shall file compliance within 30 days from the date of receipt of this order.

*With these observations/directions 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/J/A/190/2017_____

Dated:

Copy to:

1. FAA/Deputy Commissioner, Jammu for information.
2. PIO, O/O Deputy Commissioner, Jammu for information and necessary action.
3. Private Secretary to CIC for information of the HCIC.
4. Appellant/ Sh. Som Dutt, S/o. Sh. Bayian Ram, R/o. Gurha Brahmana, Tehsil Akhnoor, District Jammu for information.
5. Office file.

(Sheikh Fayaz Ahmed)

Registrar

J&K State Information Commission