

**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/211/2018  
SIC/J/A/212/2018  
Decision No.  
SIC/J/A/**211&212**/2018/209

**Final Order:**

Appellant : Sh. Anil Razdan, S/o Sh. S.N. Razdan,  
R/o 25-C, Karan Nagar, Jammu.  
Respondent : FAA/PIO, PWD(R&B).  
Date of Registration : 10-01-2018.  
Date of decision : **18-04-2018.**  
Decision : Appeal disposed of.

**Brief Facts:**

This order disposes of two appeals filed by the appellant Sh. Anil Razdan against First Appellate Authority (FAA)/Superintending Engineer, PWD(R&B), Jammu and Public Information Officer (PIO)/Executive Engineer, PWD(R&B) Division-I, Jammu. Appeal No-SIC/J/A/211/2018 has arisen out of RTI application filed by Sh. Anil Razdan on 11-09-2017 seeking information with regard to approvals accorded by the competent authorities in respect of 22 works specified by the appellant in his RTI application extending the scope of work and exceeding the cost of construction beyond the original allotted amount for such works. The PIO furnished the reply to the appellant on 09-10-2017 informing him that since the information sought by him was voluminous and providing of same would disproportionately divert the resources of public authority, as such he should visit the O/O the PIO to inspect the records.

Aggrieved by said communication, the appellant filed 1<sup>st</sup> appeal on 14-10-2017 with FAA/SE, PWD(R&B) Jammu/Kathua Circle alleging that the response of the PIO is a violation of the provisions of the J&K RTI Act. The FAA disposed of the said appeal on 28-10-2017 directing the PIO to provide the information to the appellant on the basis of records available in the Division by 30<sup>th</sup> of November'2017. The applicant filed 2<sup>nd</sup> appeal before the State Information Commission (SIC) on 10-01-2018 on the ground that the PIO has not provided the information as was directed by the FAA.

Appeal No-SIC/J/A/212/2018 has arisen out of another RTI application filed by Sh. Anil Razdan also on 11-09-2017, seeking copies of cash vouchers for payments made in respect of 11 works executed by the PWD(R&B) Division-I, Jammu specified in the RTI application. The PIO responded to the appellant on 09-10-2017 on the same lines that the information was voluminous and therefore, the appellant should visit O/O the PIO to have inspection of records. The appellant filed 1<sup>st</sup> appeal before FAA/S.E PWD(R&B), Jammu on 14-10-2017 which was disposed of by the FAA on 28-10-2017 directing the PIO to provide the information to the appellant by 30<sup>th</sup> of November'2017. The applicant filed 2<sup>nd</sup> appeal before SIC on 10-01-2018 alleging that the PIO has not provided information as directed by the FAA.

**Proceeding/Decision:**

Appeal No- SIC/J/A/212/2018 came up for hearing before the State Information Commission (SIC) on 05-03-2018. The PIO assured the SIC during the hearing that the information sought by the appellant would be provided to him within 15 days. The appeal was accordingly adjourned with the direction to the PIO to provide the information to the appellant within 15 days from that day.

Appeal No-SIC/J/A/211/2018 came up for the hearing before the SIC on 06-03-2018. During the hearing, the PIO informed the SIC that a revised information was furnished to the appellant on 15-01-2018 whereunder the appellant was informed that no work has been executed on approval basis and all works mentioned by the appellant have been executed after following e-tendering process. However, the appellant contested the correctness of the statement made by the PIO and submitted that in response to another RTI application filed by him on 04-08-2017, the PIO in his reply dated 28-08-2017 informed the appellant that the scope of these works has been extended with the result the cost of the works has also increased. The appellant wanted to know from the PIO whether extension in the scope of works and increasing the project cost has been done by the department after seeking necessary approvals and if so copies of such approvals be furnished to him. The PIO conceded during the hearing that the scope of works specified by the appellant has been extended. However, he sought time to go through the records and compile the information as regards the approvals for such extension in the scope of identified works. The appeal was accordingly adjourned with a direction to the PIO to collect the information as regards the approvals under which scope of identified works has been extended and provide the same to the appellant within a period of one month from that day.

Since the parties in both appeals were the same, the SIC clubbed the two appeals for hearing together. The clubbed appeals came up for hearing before the SIC again on 06-04-2018. The appellant submitted during the hearing that the PIO has not complied with the earlier directions of the SIC passed on 05-03-2018 and 06-03-2018 in these two appeals and no information has been provided to the appellant inspite of the PIO having assured the SIC to do so. The appellant also submitted that instead of

receiving information from the PIO, he received two communications both dated 20-03-2018 from the PIO directing him to deposit a sum of Rs 44/- and Rs 64/- respectively totaling Rs 108/- on account of photo copying charges for the information relating to the two appeals. The appellant submitted that he deposited the same on 03-04-2018 but still the information has not been provided to him by the PIO. Since the PIO and FAA were not present during the hearing, their view point could not be ascertained. The clubbed appeals were accordingly, adjourned by the SIC directing the PIO to explain why information has not been provided to the appellant within the period allowed by the SIC vide its orders dated 05-03-2018 and 06-03-2018 respectively.

The clubbed appeals again came up for hearing before the SIC today on 18-04-2018. The appellant submitted that he has received the information from the PIO in respect of his two RTI applications which has been dispatched by the PIO on 16-04-2018, much after the expiry of the period allowed by the SIC. However, the communication is actually dated 12-04-2018. The PIO submitted that as soon as the appellant deposited the fee on 03-04-2018, he signed the communication forwarding the information to the appellant on 04-04-2018. The delay in communicating the same by the concerned dispatch clerk would be looked into and inquired so that appropriate action is taken for dispatching the information later than 04-04-2018.

The appellant after going through the information provided by the PIO was satisfied with respect to information so far as it related to information sought in appeal No- SIC/J/A/212/2018 relating to cash vouchers. However, the appellant was not satisfied with the information provided in respect of approvals sought vide his RTI application giving rise to appeal No-SIC/J/A/211/2018. The PIO submitted that he has provided the information to the appellant in this respect as was available with him. The appellant seeks copies of recommendations made by Executive Engineer, Assistant Executive Engineer or Assistant Engineer which ultimately resulted in granting approvals of works by the higher authorities. The PIO submitted that the same was not available in the office and he would constitute a committee of concerned officers to look into the matter and find out if there are any

recommendations in the record which prompted the higher authorities to grant approval to the extension of the scope of works specified by the appellant.

After hearing the parties and going through the records and documents submitted and the information provided to the appellant by the PIO, the SIC feels that substantial information has been provided to the appellant by the PIO in respect of Appeal No-SIC/J/A/211/2018. However, as regards, the copies of recommendations prompting extension in scope of identified works, the PIO has agreed to constitute a committee to find out such recommendations, if they actually exist and thereafter furnishes the same to the appellant. As regards the information furnished in Appeal No-SIC/J/A/212/2018, the appellant is satisfied with the same.

The appeal is accordingly disposed of. The PIO is directed to locate the recommendations and provide the same to the appellant within a period of two months from the date of receipt of this order so far as Appeal No-SIC/J/A/211/2018 is concerned. The appellant shall be at liberty to file a complaint under section 15 of the RTI Act in case the information assured by the PIO is not provided to him.

**-sd-**

(Mohammad Ashraf Mir),  
State Information Commissioner,  
J&K State Information Commission.  
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No. SIC/J/A/**211&212**/2018

Dated:        /        /2018.

Copy to the:

- 1 First Appellate Authority (FAA) S.E, PWD(R&B), Jammu/Kathua Circle Jammu for information.
- 2 Public Information Officer (PIO), Executive Engineer, PWD(R&B) Construction Division No-1, Jammu for information and compliance.
- 3 PS to SIC for information of HSIC.
- 4 Sh. Anil Razdan, S/o Sh. S.N razdan, R/o 25-C, Karan Nagar, Jammu.
- 5 Guard file.

(Sheikh Fayaz Ahamd)  
Registrar,  
J&K State Information Commission.