



**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](http://www.jksic.nic.in)

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File No. SIC/J/A/257/2018

Decision No. SIC/J/A/257/2018/227

**Final Order:**

Appellant : Sh. Shagundeeep Singh,  
R/o Ward No-13, Shastri Nagar, Near Akash  
Furniture House Kathua.  
Respondent : FAA/PIO, Transport Commissioner, Jammu.  
Date of Registration : 22-03-2018.  
Date of decision : **23-04-2018.**  
Decision : Appeal disposed of.

**Brief Facts:**

The applicant Sh. Shagundeeep Singh filed RTI application before the PIO O/O Regional Transport Officer, Lakhanpur, Kathua, J&K seeking certain information with regard to details of the penalty imposed on overloaded fresh fruit trucks passing through Lakhanpur toll post on 09-10-2017, 10-10-2017, 11-10-2017, 13-10-2017, 17-10-2017 and 18-10-2017. The vehicles have been identified by the applicant in his RTI application along with the gross vehicle weight. However, the PIO did not provide any information to the applicant and he filed the 1<sup>st</sup> appeal before the First Appellate Authority (FAA). On failure of the FAA to dispose of

the 1<sup>st</sup> appeal, the applicant filed the 2<sup>nd</sup> appeal before the State Information Commission (SIC).

**Proceeding/Decision:**

The instant appeal came up for hearing before the SIC today on 23-04-2018. The appellant was present in person. Mr. Mohinder Singh Additional Transport Commissioner/FAA was also present. However, the PIO was not present owing to some official engagement for which he has sought exemption from appearance. The FAA submitted that he had asked the appellant to appear for hearing in the appeal but the appellant did not attend. As such, the appeal remained un-disposed of. The appellant submitted that he could not attend due to untimely death of his uncle. Since the 1<sup>st</sup> appeal filed by the appellant was not disposed of by the FAA, it would, in the circumstances, be just and proper to remit back the case to the FAA with a direction to dispose of the 1<sup>st</sup> appeal filed by the appellant after hearing both the PIO as well as the appellant.

This appeal is accordingly remitted back to First Appellate Authority for disposal of the 1<sup>st</sup> appeal filed by the appellant in accordance with the provisions of the J&K RTI Act, 2009.

**-sd-**

(Mohammad Ashraf Mir),  
State Information Commissioner,  
J&K State Information Commission.

No. SIC/J/A/257/2018

Dated: / /2018.

Copy to the:

- 1 First Appellate Authority (FAA) Transport Commissioner, J&K, Jammu for information.
- 2 Public Information Officer (PIO), Regional Transport Officer Kathua for information.
- 3 PS to SIC for information of HSIC.
- 4 Sh. ShagundeeepSingh, R/o Ward No-13, Shahstri Nagar, Near Akash Furniture House, Kathua.
- 5 Guard file.

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