



**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/K/SA/04/2018

Decision No. SIC/K/SA/04/2018/**12**

**Final Order:**

Appellant : Sh. Raman Koul, S/o Mohan Lal Koul  
R/o H.No-09, Sector-1A, Lakshmipuram  
Chinore, Bantalab, Jammu-181123.  
Respondent : FAA/PIO, Education Department.  
Date of Registration : 26-12-2017.  
Date of decision : **23-04-2018.**  
Decision : Appeal disposed of.

**Facts:**

This appeal has arisen out of RTI application filed by Sh. Raman Koul on 07-08-2017 with the PIO/Assistant Commissioner (Rev), Anantnag. The applicant had served a legal notice on Deputy Commissioner, Anantnag through his counsel Sh. Ashok Bhan. Vide the above referred RTI application, the applicant had sought the following information with respect to his legal notice:-

- i. Inform applicant about the steps taken on the legal notice;
- ii. Inform applicant as to whether encroacher has been evicted and after eviction has the said land been taken into custody. If yes, inform applicant as to when it has been taken into custody and who is the superdar; and

iii. Inform applicant about the latest status of notice.

Having not received the information from the PIO, the applicant filed 1<sup>st</sup> appeal with First Appellate Authority (FAA)/Deputy Commissioner, Anantnag on 13-10-2017. Since the FAA did not dispose of the 1<sup>st</sup> appeal, the applicant filed 2<sup>nd</sup> appeal before the State Information Commission (SIC) on 18-12-2017.

**Proceedings/Decision:**

The instant appeal came up for hearing before the State Information Commission (SIC) on 27-03-2018. Nobody was present on behalf of the respondents. The appellant was heard through voice call from Jammu office of the SIC. The appellant submitted during the hearing that no information has been provided to him by the respondents within the specified period. The appellant also submitted that the 1<sup>st</sup> appeal filed by him has not been disposed of by the FAA. The hearing was adjourned and the FAA/PIO were directed to provide information to the appellant within a period of 15 days.

The appeal again came up for hearing before the SIC today on 23-04-2018. Sh. Bansi Lal, uncle of the appellant represented the appellant during the hearing. The respondents were heard through voice call from Commission's office at Srinagar. The PIO also furnished the counter statement. In the said counter statement, the PIO has submitted that the information sought by

the appellant was provided to him on 24-01-2018. However, the information was again sent to the appellant through registered post on 21-04-2018. A postal receipt has also been furnished by the PIO indicating that the communication addressed to the appellant containing the information has been dispatched on 21-04-2018. The SIC has gone through the information furnished by the PIO to the appellant. It replies the queries raised by the appellant in his RTI application.

However, the representative of the appellant submitted that the appellant has not received the information supposed to have been sent by the PIO on 24-01-2018 or 21-04-2018. Since the information has again been sent by the PIO recently on 21-04-2018 through registered post, it may take some time to reach the appellant. A copy of the information made available to SIC by the PIO was accordingly furnished to the representative of the appellant during the hearing. So far as the information provided by the PIO is concerned, the representative of the appellant was not sure whether such information satisfies the appellant or not. The representative of the appellant submitted that because of ill health, the appellant could not attend the hearing himself.

In terms of sub-section (11) of section 16, the SIC has to dispose of 2<sup>nd</sup> appeal within the maximum permissible time of 120

days. The present appeal was admitted by the SIC on 26-12-2017 and the maximum permissible period for disposal of appeal by the SIC is about to expire. Therefore, the present appeal is to be disposed of by the SIC. Since the information sought by the appellant has been provided to him by the PIO, the appeal is disposed of as nothing more remains to be adjudicated by the SIC in this appeal. However, the appellant shall be at liberty to file a complaint under section 15 of the Act, in case he was not satisfied with the reply furnished by the PIO.

**-sd-**

(Mohammad Ashraf Mir),  
State Information Commissioner,  
J&K State Information Commission.  
\*/imi/\*

No. SIC/K/SA/04/2018

Dated:        /        /2018.

Copy to the:

- 1 First Appellate Authority (FAA) Deputy Commissioner, Anantnag for information.
- 2 Public Information Officer (PIO), Assistant Commissioner (Rev), Anantnag for information.
- 3 PS to SIC for information of HSIC.
- 4 Sh. Raman Koul, S/o Mohan Lal Koul R/o Lakshmipuram Chinore, Bantalab, Jammu-181123.
- 5 Guard file.

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