



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

Final Order

**(I) File No. SIC/K/SA/99/2017
Decision No. SIC/K/SA/99/2017/ 111**

Appellant : Syed Mohamamd Yaseen

Respondent : Public Information Officer (PIO)
Executive Engineer, I&FC Division
Pulwama

Date of Registration : 04.12.2017

Date of Decision : 22.03.2018

**(II) File No. SIC/K/SA/16/2018
Decision No. SIC/K/SA/16/2018**

Appellant : Syed Mohammad Yaseen

Respondent : Public Information Officer (PIO)
Executive Engineer, I&FC Division
Pulwama

Date of Registration : 07-02-2018

Date of Decision : 22.03.2018

Brief facts:

Appeal **No. SIC/K/SA/99/2017** has arisen out of the RTI application filed by Mr Syed Mohamamd Yaseen on 04.07.2017 with PIO/Executive Engineer, Irrigation Division, Pulwama seeking information on 9 points with regard to Lar Khul and its branches, employees engaged to look after the Khul, details of encroachments made on this Khul and its branches, reports submitted by Zaildar/Patwari concerned about encroachment and action taken on such reports by the Department etc. The PIO provided the information to the applicant on 08.08.2017. Not satisfied with the reply, the applicant filed first appeal with FAA, who vide its order dated 21.08.2017 disposed of the appeal directing the PIO to provide information to the applicant within time frame. Thereafter, the PIO vide his communication dated 28.09.2017 provided another set of information to the applicant. Not satisfied with the said information, the applicant filed this appeal before the State Information Commission (SIC).

Appeal **No. SIC/K/SA/16/2018** has arisen out of RTI application filed by the same applicant with the PIO/Executive Engineer, Irrigation Division, Pulwama on 01.09.2017 seeking

information on 9 points with respect to Dubji Canal and Lar Khul with details as to how much land is irrigated by these canals, Aabiyana collected from Zamindars, list of contractual patwaris engaged on these canals, encroachments removed and trees cut during 2016-17, action taken on the directions of Dy. Commissioner, Pulwama regarding removal of encroachments, action taken with regard to directions of Divisional Commissioner and Chief Engineer, I&FC Kashmir dated 09.05.2017 for removal of encroachments and functions of canal chowkidar/casual coolies etc. The PIO provided the information to the applicant on 28.09.2017. Not satisfied with the said reply, the applicant filed the first appeal with FAA on 22.11.2017. However, the FAA did not dispose of the 1st appeal and the applicant filed this appeal before the SIC on 07.02.2018.

Since in both these appeals, the parties were the same and also the subject matter was also more or less similar, the SIC clubbed these two appeals for hearing together.

Proceedings before the Commission:

These clubbed appeals came up for hearing on 25-01-2018. The hearing was attended by Mr. Syed Muhammad Yaseen, appellant, Engr. Naim Ahmad Naim, FAA/I&FC Shopian and Mr. Mukhtar Ahmad Dar, PIO/Ex. Engineer, Irrigation Division, Pulwama.

The appellant stated that the information provided to him by the PIO on 08-08-2017 and 28-09-2017 in respect of Appeal No. SIC/K/SA/99/2017 and Appeal No. SIC/K/SA/16/2018 respectively was incomplete as the encroachment report submitted by Zaildar in respect of query No. B-1 and B-2 of RTI application dated 04.07.2017 has not been provided by the PIO. The PIO submitted that complete information has been provided to the appellant in response to both the RTI applications. The PIO also informed that the appellant has filed four (4) RTI applications on the same subject matter which has in fact confused the office of PIO in collecting the information for different RTI applications. The information sent to the appellant through registered post includes the copies of the reports submitted by the Zaildar in respect of Query No. B-1 and B-2. The appellant denied to have received the

copies of the encroachment report of the Zaildar. Accordingly, the PIO was directed to provide a copy of these reports to the appellant. During the hearing, the PIO provided the copies of the encroachment reports submitted by the Zaildar pertaining to year 2017-18. As regards the encroachment reports submitted by Zaildar during the year 2013-14 and 2015-16, the PIO assured the Commission that the same will be provided to the appellant within a period of ten days. In respect of RTI application dated 01.09.2017, the PIO submitted that after filing of the first appeal by the applicant, a revised and detailed information was sent to the applicant on 08.01.2018 consisting of 68 pages through registered post but the applicant refused to receive the parcel. The PIO submitted a photocopy of the envelop on which the postman has marked that the addressee refused to accept the same and hence returned to the sender.

The hearing in the case was accordingly adjourned and the PIO was directed to furnish the copies of the encroachment reports submitted by Zaildar with regard to the query B-1 and B-2 within a period of ten days from that day. The PIO was also directed to club all the four RTI applications filed by the appellant on the

same subject matter and prepare a consolidated reply which shall be furnished to the appellant under intimation to this Commission by or before the next date of hearing. The PIO was further directed to submit the reply in response to RTI application dated 01.09.2017, which was sent to the applicant but returned after having been refused to be accepted by the applicant, during the next hearing so that the same is handed over to the appellant during the hearing. The appellant was directed to go through the reply so furnished by the PIO and file a rejoinder, if any, by the next date of hearing.

The clubbed appeals again came up for hearing on 20-02-2018. The hearing was attended by Mr. Syed Muhammad Yaseen, appellant, Engr. Naim Ahmad Naim, FAA/I&FC Hqrs Shopian and Mr. Mukhtar Ahmad Dar, PIO/Ex. Engineer, Irrigation Division, Pulwama.

As per directions issued by the Commission vide interim order dated 25-01-2018, the PIO submitted that he has furnished the copies of the encroachment reports to the appellant and the appellant acknowledged the receipt of the said information and also expressed his satisfaction over the reply so furnished by the

PIO. As regards the other RTI application filed by the applicant on 01.09.2017, the PIO submitted that he has prepared a consolidated reply/information comprising of 90 pages, which was handed over the same to the appellant during the course of hearing. The appellant was directed to go through the information he has received during the hearing and file his rejoinder, if any, by or before the next date of hearing. The hearing was accordingly adjourned.

Finally, the clubbed appeals came up for hearing today on 23-03-2018. The hearing was attended by Mr. Mohammad Ayoub Bhat AEE I&FC Sub-Division Pulwam and appellant Mr. Syed Muhammad Yaseen.

During the hearing, the appellant stated that he is satisfied with the information provided by the PIO during the last hearing in respect of both RTI applications. However, he sought clarification with regard to year of Khasra Girdawri indicating whether it was Rabi or Kharif. The PIO assured the appellant that the said clarification will be provided to him within 2 days. With the said assurance of the PIO, the appellant was satisfied and stated that nothing more is required by him from the PIO.

Decision:

As the information sought by the appellant has been provided by the PIO in the 2nd appeals clubbed by the Commission, nothing survives for further adjudication by the Commission. The clubbed appeals are accordingly disposed of.

Sd/-
(Muhammad Ashraf Mir)
State Information Commissioner

Copy to the:-

1. First Appellate Authority (FAA)/ S.E. I&FC Hqrs Shopian
2. Public Information Officer (PIO)/Ex. Engineer, Irrigation Division, Pulwama
3. Mr. Syed Muhammad Yaseen S/o Late Syed Muhammad Mubarak R/o Puchal, Pulwama

(M. S. BHAT)
Deputy Registrar,
J&K State Information Commission, Sgr