

Jammu and Kashmir State Information Commission

جموں اینڈ کشمیر اسٹیٹ انفارمیشن کمیشن

(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/225/2018

Decision No. SIC/J/A/225/2018/202

Appellant: Shri Jeet Raj Sharma,
W. No 13, Shiv Colony,
Tehsil, Akhnoor, Distt. Jammu.

Respondent: 1. Joint Director (SSA), School Education
Deptt., Jammu.
(First Appellate Authority)

2. CEO, Jammu.
(Public Information Officer)

Date of Registration : 05-02-2018

Date of Decision : 11-04-2018

FINAL ORDER

The appellant, the FAA and the PIO present for hearing before the Commission.

In the present case 2nd appeal, the appellant Sh. Jeet Raj filed RTI application on 20-09-2017 before the PIO/CEO, Jammu and sought information with respect of action taken report alongwith recovery & penalty from Govt.

M.S. Jadh, Zone, Jaurian, with copies of Bills & Vouchers whereunder the recovery has been made. On not receiving the requisite information within the prescribed time period, the appellant approached the First Appellate Authority/ Jt. Director, SSA, Jammu by filing 1st Appeal on 21-11-2017. During the pendency of 1st Appeal, the PIO on 06-12-2017 provided the information to the appellant. Accordingly, the FAA disposed of the 1st Appeal on 07-12-2017 with direction to the PIO to provide the rest of the information to the appellant free of cost within a weeks time. Thereafter, the appellant filed 2nd appeal before the SIC alleging that no information has been provided to him by the PIO despite order of the FAA.

The 2nd appeal came up for hearing on 12-03-2018. The PIO submitted that information has already provided to him. However, the appellant submitted that he is not satisfied with the information provided as most of the relevant information has been concealed. After hearing the parties, the Commission directed the PIO to furnish a revised reply specifically mentioning as to what action has been taken on the basis of enquiry report.

The appeal again came up for hearing on 11-04-2018. The PIO submitted that in pursuance to interim direction dated 12-03-2018, revised information has been sent to the appellant on 06-04-2018 through Registered Post. In the said information, each point raised by the appellant has been specifically replied. The appellant has been informed that issue of attending the Ph. D. course by Smt. Ramita Sharma was taken up with the PG Deptt of University of Jammu and the HOD of the Department has informed the PIO that the said teacher has attended the Ph. D course on 71 days. Salary of 71 days has been recovered from the said teacher and same has been deposited by the teacher in the Treasury Head 2202 through two challans dated 21-02-2018 and 04-04-2018.

The PIO has also informed the appellant that maternity leave period of Smt. Usha Kumar has been entered in her service record and recovery of one month's salary has been made. The PIO also informed that recovery has also

been made in case of Balwinder Kour and Chanchlo Devi and deductions have been made from their salaries.

The appellant submitted that he is not in receipt of information dispatched by the PIO on 07-04-2018. Accordingly an additional copy was provided to the appellant during the course of hearing. The appellant submitted that in response to another RTI query the PG Deptt of University has informed him on 03-04-2017 that Ms Ramita Sharma, a Ph. D Scholar is regularly attending the University since her registration from 01-09-2014 to 15-07-2016 and also that she cannot join Govt. Service during Ist two year of Ph. D. The University has also informed the appellant that this candidate has not informed the Department about her having joined government service and as per Ph. D statutes, a Ph.D scholar can join any employment after completion of two years (Residency Period). The appellant accordingly submitted that in case she was a regular Ph. D scholar till 15-07-2016, how could she joined the Govt. Service as teacher and paid salaries till 15-07-2016.

The PIO clarified that the concerned teacher has joined as general line Teacher on 04-01-2016 in zone Jourian. She was paid salary from the said date till 15-07-2017 as a regular Teacher. On receiving the information that she is also attending the Ph.D course in University, the PIO took up the matter with University by seeking specific attendance of the Scholar w.e.f 01-02-2016 till 31st July, 2016. The University furnished the attendance sheet of the scholar which indicates that the said scholar has attended the department of PG History on 71 days during the relevant period. Accordingly, 71 days salary which was received by the said teacher was ordered to be recovered and the said teacher has deposited the amount of salary calculated for the 71 days. As regard the question as to how Ms. Ramita could join Govt. Service whe she was undergoing regular course of Ph. D in University of Jammu and in view of categorical statement of University that a Ph.D Scholar cannot take up any employment during Ist two years of Ph.D, which is a residency period, the PIO submitted that such a question is beyond the scope of information sought by the appellant and also that the PIO cannot answer such queries.

After hearing the parties and going through the record made available, the Commission feels that the information sought by the appellant in RTI application dated 20-09-2017 has been provided to the appellant. The other issues raised by the appellant with regard to permissibility of a regular Ph.D scholar to Join Govt. Service during the residency period of such course and also the permissibility for a Govt. employee to undertake any course of study on regular basis are not relevant so far as RTI Act is concerned. These issues are definitely administrative issues and as such between employee & the employer. The appellant can raise such issues with Directorate of School Education for appropriate action under relevant service rules. Such issues cannot be treated as information under section 2(d) of the RTI Act and as such, PIO is under no obligation to reply them.

Since information has been provided to the appellant, the 2nd appeal is disposed of with aforesaid observation.

Sd/-

(Mohammed Ashraf Mir)
State Information Commissioner.

No:-

Dated:-

Copy to the :-

1. First Appellate Authority (FAA)/ Joint Director (SSA), School Education Deptt., Jammu.
2. Public Information Officer/ CEO, Jammu.
3. PS to SIC for information of HSIC.
4. Sh. Jeet Raj Sharma, W. No. 13, Shiv Colony, Tehsil Akhnoor, Distt.- Jammu.
5. Office File.

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