



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

File No. SIC/J/A/175/2017

Decision No. SIC/J/A/175/2017/217

Final Order:

Appellant : Sh. Parvez S. Shera, C-6, Channi Apartments,
Sector-7, Channi Himmat, Jammu.

Respondent : FAA/PIO, Rural Development Department.

Date of Registration : 06-12-2017

Date of decision : **05-04-2018.**

Decision : Appeal disposed of.

Brief Facts:

The present appeal has arisen out of RTI request filed by Mr. Parvez S. Shera on 17-11-2016 with Public Information Officer (PIO)/Assistant Commissioner Development (ACD), Jammu. On failure of PIO for providing the information, the applicant filed 1st appeal before the First Appellate Authority (FAA)/Director, Rural Development Department (RDD) on 22-12-2016. The Joint Director, Rural Development Department, (RDD) Jammu vide communication dated 31-12-2016 transferred the 1st appeal to ACD, Jammu for considering and deciding the appeal within the stipulated time under the provisions of J&K RTI Act. However, the ACD did not dispose of the appeal and aggrieved by the said non disposal of the 1st appeal, the applicant filed 2nd appeal before the State Information Commission (SIC) on 02-05-2017 which was finally admitted by the SIC on 06-12-2017, after making the applicant to remove the procedural deficiencies.

Proceeding/Decision:

The appeal came up for hearing before the State Information Commission (SIC) on 17-01-2018. During the hearing, the SIC pointed out to FAA O/O Director, RDD, Jammu that the 1st appeal filed by the appellant with Director, RDD has been wrongly transferred by the said office to ACD, Jammu, as the ACD, Jammu was the PIO in this case and therefore, he could not function both as PIO as well as FAA. In any case the ACD has not disposed of the transferred appeal.

During the hearing the PIO/ACD, Jammu informed the SIC that the information has been dispatched to the appellant on 15-01-2018 through Registered Post. The PIO also submitted that he was not aware about the RTI application as the same had not been received by his office and came to know about it only when he received a notice from SIC in the appeal. The appellant submitted that he has not yet received the information claimed to have been dispatched through post by the PIO on 15-01-2018. The hearing was accordingly, adjourned with the directions to the appellant to file a rejoinder before the SIC as soon he receives the information dispatched by the PIO.

The appeal again came up for hearing before the SIC on 15-03-2018. The appellant filed a rejoinder whereunder he admits to have received the information from the PIO and was satisfied with the information provided to him with respect to point no- 1, 2, 3 and 5 of his RTI application. However, the appellant submitted that he was not satisfied with regard to reply given in response to point no-4, wherein he had sought information about the sites and location at which the sign boards have been installed along with the name of the scheme and type of the board fixed. The PIO sought one month's time for providing revised reply to the appellant in respect of point no-4 as the number

of sites where such sign boards had been installed was very large and information had to be collected from almost 20 BDOs of Jammu District. Accordingly, the SIC allowed one month's time to the PIO for collecting and providing the information to the appellant.

The appeal again came up for hearing before the SIC on 05-04-2018. The appellant was not present. The respondents were represented by Joint Director, RDD, Jammu and the PIO/ACD Jammu. The PIO submitted that in pursuance to the directions of the SIC dated 05-03-2018, the requisite information has been collected from all the BDOs of District Jammu and the same has been consolidated for being provided to the appellant during the hearing. Since the appellant was not present during the hearing the PIO furnished the said information to the SIC.

The SIC has gone through the information made available by the PIO to the SIC in respect to point no-4 of the RTI application. All the details about the sites and the location where sign boards have been installed have been given in the said information. The SIC after going through the reply prepared by the PIO is satisfied with the said information. The rest of the information has already been provided to the appellant to his satisfaction. The SIC accordingly returned the information prepared in respect of Point No-4 to the PIO with a direction to send the same to the appellant through registered post within a period of 3 days from today. With this information, nothing further remains to be adjudicated by the SIC in this appeal. However, before disposing of the appeal, the SIC would like to advise the FAA of Rural

Development Department and the PIO that the RTI requests made by the different information seekers should not be taken casually and the information should be provided within the period specified in sub-section (1) of section 7 of the J&K RTI Act. Though there is delay in providing the information by the PIO to the appellant in the present case, but in view of the circumstances explained by the PIO and the fact that the RTI application was not located in time by the PIO, the delay is condoned. The FAA should also deal and dispose of the 1st appeals in the manner as provided in the RTI Act and within the period specified therein.

Accordingly, this 2nd appeal is disposed of with the observations made above.

-sd-

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

/ imi/

Dated: / /2018.

No. SIC/J/A/175/2018

Copy to the:

1. First Appellate Authority (FAA) Director, Rural Development Department, Jammu for information and compliance.
2. Public Information Officer (PIO), O/O Assistant Commissioner Development, Jammu for information.
3. PS to SIC for information of HSIC.
4. Sh. Parvez S. Shera, C-6, Channi Apartments, Sector-7, Channi Himmat, Jammu.
5. Guard file.

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