



Jammu and Kashmir State Information Commission

شہن یشن کمیت انفارمیر اسٹیٹنڈ کشمیر جموں ا
(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/C/20/2017

Decision No.SIC/J/C/20/2017/251

Final Order
(Complaint)

Complainant : Sh. Gurmukh Singh.
Respondents : Public Information Officer (PIO)/
Tehsildar, Kathua.
Date of Receipt : 04.01.2017.
Date of Decision : 13.06.2018.

Brief Facts:

One Sh. Gurmukh Singh, S/o. Late S. Tara Singh, R/o. Deeli (Baba Deep Singh Nagar, Kunjwani), Jammu filed a complaint in the Commission on 04.01.2017 against the PIO/Tehsildar, Kathua on the grounds that his RTI application dated; 18.10.2016 had not been replied to by the PIO himself and that the PIO had only endorsed the copy of the report from Patwari and *without making any effort for providing true, complete and material information as per the application to the complainant.*

Proceedings:

The complaint came up for hearing for the first time on 06.04.2018 which was attended by the PIO but the complainant was absent. Accordingly, following orders were issued:

“In view of the absence of the complainant and with a view to give him another opportunity of being heard, the hearing of this complaint is adjourned. The complainant is directed to remain present on the next date of hearing and put forth his arguments.”

The complaint came up for second hearing on 30.05.2018, after which it was decided to conduct inquiry under section 15 (2) and accordingly, the Registry was directed to issue notices to the following officials for their presence during the next hearing:

1. FAA, O/O Deputy Commissioner, Kathua.
2. Superintending Engineer, R&B, Kathua.
3. Collector, PWD (R&B), Kathua.
4. Tehsildar, Kathua.
5. Naib Tehsildar, Incharge of the area where land mentioned in the RTI application is located; to be identified and informed by Tehsildar, Kathua.
6. Patwari concerned along with records; to be identified and informed by Tehsildar, Kathua.

Finally, the complaint came up for hearing today on 13.06.2018. The hearing was attended by the PIO/Sh. Jai Singh, Tehsildar, Kathua, Sh. Purshotam Kumar, Xen (R&B), Kathua on behalf of Superintending Engineer, Jammu, Sh. Vikter Kumar, Naib-Tehsildar, Kathua, Sh. Asrar Ahmed, Patwari and the complainant Sh. Gurmukh Singh along with his representative.

The PIO stated that the complainant had earlier approached the PWD for information and subsequently the revenue department. He also stated that a report had been submitted to the Additional Deputy Commissioner, Kathua way back in April, 2016 along with the information sought by the

applicant. This has also been stated in the counter statement filed by ex-Tehsildar, Kathua to the complaint in the Commission on 03.04.2018. In another statement, the complainant has stated that he had filed a second appeal before the State Information Commission about 02 years back, which is still pending.

During today's hearing the present Tehsildar, Kathua brought another set of information for the complainant, copy of which was handed over to him. A communication from FAA/Additional Deputy Commissioner, Kathua was also received today during the hearing, in which he has stated that the complainant Sh. Gurmukh Singh has been agitating the matter in the O/O Deputy Commissioner, Kathua since 2016 but has chosen not to attend the hearing before the Deputy Commissioner, Kathua.

Decision:

From the statements made by the complainant, the PIO and on the basis of records, it appears that the complainant has been agitating before various authorities including Deputy Commissioner, Kathua, Tehsildar, Kathua and Superintending Engineer, PWD and has filed more than one RTI application but as per his version he has not been provided the information that he is seeking. It also appears from the record, as also from the communication dated: 12.06.2018 of Sh. Ghansham Singh ADC, Kathua that his First Appeal has remained undisposed before the FAA in the O/O DC, Kathua. The complainant has categorically stated during the hearing that he is interested in obtaining the information rather than in the disposal of the complaint by way of imposition of penalty on the PIO. He

further stated that he has been running from pillar to post for the information to his RTI application but has failed to obtain the same.

Keeping in view the statement of the complainant that he could not follow the First Appeal before the FAA in the O/O Deputy Commissioner, Kathua and keeping in view the clear demand of the complainant for provision of information to his RTI application and in the absence of any final orders from the FAA in the First Appeal reportedly filed before him in 2016, it is directed that the FAA/ADC, Kathua shall hear the First Appeal afresh, in terms of section 16 and dispose of the same within the stipulated time period from the date of receipt of this order. Copy of RTI application filed before the Tehsildar, Kathua dated: 18.10.2016 shall also be got enclosed with this order. The complainant and the PIO are directed to make their pleadings before the FAA after they are called to do the same for purpose of disposal of the First Appeal as ordered above.

Registry to send a copy of the order along with a copy of the RTI application to ADC, Kathua/FAA for further necessary action.

*With these observations/directions the complaint is disposed of.
Copy of this decision be given free of cost to the parties.*

Sd/-

(Khurshid A. Ganai)

Chief Information Commissioner

(P.A. Ajay)

No: SIC/J/C/20/2017_____

Dated:

Copy to:

1. FAA/Additional Deputy Commissioner, Kathua for information and necessary action.
2. PIO/Tehsildar, Kathua for information and necessary action.
3. Private Secretary to CIC for information of the HCIC.

4. Appellant/Sh. Gurmukh Singh, S/o. Late S. Tara Singh, R/o. Deeli (Baba Deep Singh Nagar, Kunjwani), Jammu for information.
5. Office file.

(Baldev Raj)
Joint Registrar
J&K State Information Commission