



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/K/Comp/13/2017

Decision No. SIC/K/Comp/13/2018/**34**

Complainant : Sh. Ghulam Rasool Parray

Respondent : Public Information Officer (PIO)/
O/O Chief Engineer Beacon Project
Rangreth and Others and PIO O/O
Collector Land Acquisition, PWD,
Srinagar

Date of Decision : 13.06.2018

Final Order

These two complaints were filed by the complainant Mr. Gh. Rasool Parray S/o Ghulam Mohammad Parray R/o Soezeith Narbal Crossing Domail against the PIO, Superintending Engineer, R&B, Department Circle, Srinagar alleging denial of information by these PIOs to the complainant. Since both these complaints pertained to one and the same subject matter, these were clubbed for joint hearing on 22.02.2018. Mr. Showkat

Jeelani Pandit, SE/FAA PWD Circle, Srinagar, Mr. Javaid Ahmad Bukhari, PIO/Executive Engineer PWD Division 2nd Srinagar and Mr. Mohammad Akbar Khan, Collector Land Acquisition, PWD Srinagar were present during the hearing. The complainant was not present, despite notice of the Commission.

In respect of complaint against the PIO, SE R&B, the FAA submitted that in response to the RTI application dated 13.03.2017, the applicant was informed vide letter dated 30.03.2017 that the information asked for by him is not available with the PIO as the records of the Department were gutted in fire accident in the year 1994 and records beyond 1994 have been washed away during September 2014 floods. The FAA also submitted that he was not a part of the High Level Committee (HLC) and, therefore, the minutes of the HLC meeting were otherwise not available with his office. It was for this reason that the applicant was informed well within specified time of 30 days that the information sought by him cannot be provided as it was not available with the PIO.

As regards the complaint against PIO, Collector Land Acquisition, R&B Srinagar, the Collector submitted that he has

already provided the information sought by the applicant/complainant well within the prescribed time period. The applicant sought the minutes of the HLC meeting vide his RTI application dated 13.03.2017. The information was dispatched to the applicant through speed post on 15.04.2017. However, the dispatched letter came back with the endorsement from postman that the addressee was not found on the given address. A copy of the dispatch receipt and returned envelop were submitted by the Collector in proof of his claim of having sent the information to the complainant. The Collector accordingly stated that there has been no violation on his part and the complaint deserved to be dismissed.

Since the complainant was not present during the hearing and his views could not be ascertained. In order to provide one more opportunity to the complainant, the Commission felt inclined to adjourn the case. The case was accordingly adjourned.

The complaint again came up for hearing today on 13.06.2016. Mr. Showkat Jeelani Pandit, SE/FAA PWD Circle, Srinagar, Mr. Javaid Ahmad Bukhari, PIO/Executive Engineer

PWD Division 2nd Srinagar, Mr Gh. Nabi, Jr. Assistant O/o Collector Land Acquisition, PWD Srinagar, Advocate Sheikh Sajad Ahmad, counsel for the complainant and complainant, Mr. Gh. Rasool Parray attended the hearing. The PIO Collector Land Acquisition, PWD Srinagar could not attend as the post was lying vacant ever since the superannuation of Mr Mohamamd Akbar Khan who was previously holding the charge of PIO Collector Land Acquisition, PWD Srinagar.

During the proceedings, Advocate Sajad Ahmad, counsel for the complainant submitted that they are already in possession of copy of the minutes of HLC meeting held on 22.07.2010 for rehabilitation of shopkeepers of Parimpora-Narbal road. He, however, submitted that his client (complainant) is seeking copy of PNC. During the proceedings, the PIO, R&B and the PIO/Collector Land Acquisition informed the Commission that the land acquisition was done in accordance with the decision taken in HLC meeting held on 22.07.2010 for rehabilitation of shopkeepers of Parimpora-Narbal road and no PNC was done with the affected shopkeepers. Hence the question of providing copy of PNC did

not arise as no PNC was done. A copy of the minutes of HLC dated 22.07.2010 has been provided to the appellant.

DECISION

After hearing the parties, the Commission felt that the information vis-à-vis the decision taken in HLC meeting held on 22.07.2010 for rehabilitation of shopkeepers of Parimpora-Narbal road has been provided/sent to the complainant by the PIO/Collector Land Acquisition, PWD, Srinagar, but the same could not be delivered to him by the concerned post office as the address provided by the RTI applicant could not be located by the concerned postman and was returned back to the O/O PIO/Collector Land Acquisition, PWD, Srinagar as undelivered. Accordingly, the PIO deposited the information with the Commission for being delivered to the complainant as it could not be handed over to him during the hearing owing to his absence during the hearing. With regard to providing of information relating to PNC, it has been informed during the proceedings that the land acquisition was done in accordance with the decision taken in HLC meeting held on 22.07.2010 for rehabilitation of shopkeepers of Parimpora-Narbal road and no

PNC was done with the affected shopkeepers and hence information with regard to PNC did not exist and as such could not be provided to the RTI applicant/ complainant.

Since the information regarding the decision taken in HLC meeting held on 22.07.2010 for rehabilitation of shopkeepers of Parimpora-Narbal road, could not be delivered to the complainant by the concerned post office as the address provided by him could not be located by the concerned postman and was returned back to the O/O PIO/Collector Land Acquisition, PWD, Srinagar as undelivered, no fault can be attributed to the PIO in not providing the information within specified period. The same could not be even handed over to the complainant during the hearing due to his absence. The PIO has deposited the said information with the Registry of the Commission. However, the complainant informed the Commission during the hearing that the said information is available with him. In case he still needs the said information, he can collect a copy of the information from the registry on any working day. Since no PNC was conducted, there is no question of

providing copy of PNC to him as no such information existed.

With the above directions, the complaint filed before the Commission is disposed of.

Sd/-
(Mohammad Ashraf Mir)
State Information Commissioner

(S. Sajad Ahmed)

Copy to:

1. FAA/ Superintending Engineer, PWD Circle, Srinagar
2. PIO/Executive Engineer PWD Division 2nd Srinagar
3. PIO/Collector Land Acquisition, PWD Srinagar
4. Complainant—Mr. Gh. Rasool Parray S/o Ghulam Mohammad Parray R/o Soezeith Narbal Crossing Domail P O Mirgund

(M.S. Bhat)
Dy. Registrar
J&K State Information Commission,
Srinagar