



**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](http://www.jksic.nic.in)

\*\*\*\*\*

**Before the Chief Information Commissioner, JKSIC, Srinagar**

File No: SIC/K/SA/33/2018

**Decision No: SIC/K/SA/33/2018/37**

**Subject:** Proceedings under Section-17 of the J&K RTI Act, 2009 in the 2<sup>nd</sup> Appeal titled Dr. Sheikh Gulam Rasool V/s the then PIO/Dy. Director Tourism, Kashmir, Mr. Reyaz Ahmad Beigh [Now SDM(East) Srinagar]

**ORDER**

The penalty proceedings in the above titled case came up for hearing today on 19.06.2018. Mr. Mehmood Shah FAA/Director Tourism, Kashmir, Mr. Masarat Hashim, PIO/Dy. Director Tourism, Kashmir, Mr. Reyaz Ahmad Beigh, SDM(East) Srinagar, the then PIO/Dy. Director Tourism, Kashmir and appellant Dr. Sheikh Gh. Rasool attended the hearing. During the proceedings, the present PIO/Dy. Director Tourism, Kashmir, Mr. Masarat Hashim stated that information as sought by the appellant vide his RTI application dated 08.06.2017 (sent by post on 20.06.2017) has been provided to him. The appellant contested that full information has still not

been provided to him as yet. However the main objective of today's hearing was conduct of penalty proceedings against the then PIO/Dy. Director Tourism, Kashmir, Mr. Reyaz Ahmad Beigh [Now SDM(East) Srinagar]. In response to the notices and the previous orders of the Commission along with last order of the Commission dated 15.05.2018, Mr. Reyaz Ahmad Beigh stated that he deeply regrets the delay in providing the information but the same was not denied to the appellant. He further submitted that there was delay in collecting the information and subsequently the information, after being collected, was provided to the appellant and therefore no penalty may be imposed upon him. He also submitted that there was neither malafide nor intentional delay in doing so.

The FAA/Director, Tourism, Kashmir and the present PIO/Dy. Director, Tourism, Kashmir, Mr Masarat Hashim assured that Tourism Department maintains very high standards of transparency and there is no question in denying information on the part of Mr. Reyaz Ahmad Beigh and the Commission may not impose any penalty upon him and that he has been a conscientious officer of the Department despite being physically handicapped.

Keeping in view what has been stated by the Ex-PIO and also by the FAA/Director , Tourism Kashmir and the present PIO, it is ordered that no penalty shall be imposed upon the then PIO/Dy. Director Tourism Kashmir Mr. Reyaz Ahmad Beigh [Now SDM (East) Srinagar] as no malaide or deliberate or intentional delay has been established against the then PIO . However, the officer is advised to

remain careful and prompt while dealing with the RTI applications as and when the same are put up to him in future.

As regards the submission of the appellant that he has still not received the complete information despite final orders passed by the Commission dated 09.05.2018 wherein the respondents were directed to provide the balance information to the appellant, the appellant is free to file complaint for non-compliance of the orders dated 09.05.2018 before the Commission.

With the above directions, the penalty proceedings initiated against Mr. Reyaz Ahmad Beigh, the then PIO/Dy. Director Tourism, Kashmir, [Now SDM (East) Srinagar] are hereby dropped.

**Sd/-**  
**(Khurshid A. Ganai) IAS Retd**  
Chief Information Commissioner

(Ahmad Sajad, PA)

Copy to the:-

1. FAA/Director Tourism, Kashmir,
2. PIO/Dy. Director Tourism, Kashmir,
3. Mr. Reyaz Ahmad Beigh, the then PIO/Dy. Director Tourism, Kashmir, [Now SDM (East) Srinagar]
4. Private Secretary to CIC for information of the HCIC
5. Appellant—Dr. Sheikh Ghulam Rasool, C/o J&K RTI Movement, head office Malik house Hyderpora near Al-Amin Hospital, airport Road Srinagar
6. Office file

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