



Jammu and Kashmir State Information Commission

شہن یشن کمیٹ انفارمیری اسٹیٹس نڈ کشمیری 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.CO.SA.608-2018

Decision No.SIC.CO.SA.608-2018/1131

Final Order

(Second Appeal)

Appellant : Sh. Jagdev Singh

Respondents : First Appellate Authority (FAA)/Public Information Officer (PIO) O/O Revenue Department, J&K Civil Secretariat Srinagar.

Date of registration : 18-04-2018

Date of decision : 05-06-2018

Brief Facts:

Briefly the facts of this appeal are that the appellant filed an RTI application dated 08-01-2018 with the PIO O/O Revenue Department, J&K Civil Secretariat seeking the following information:

From the J&K Secretariat's record File No. R(Reh) 66/808 regarding allotment of Plots at Basti Kharian Tehsil R. S. Pura District Jammu, certified copies of the below mentioned documents / record may kindly be provided in respect of allotment of Plots at Basti Kharian Tehsil R. S. Pura District Jammu to S. Lachman Singh (late father of the applicant) S/o Atam Singh, a head of a displaced family of

1947 R/o Nanak Nagar, Jammu displaced from village Seri Kathi Tehsil Bagh, District Poonch (PoK 1947);

- I. Letter of Provincial Rehabilitation Officer, Jammu to the Secretariat recommending allotment of Plot in the year 1975-76;
- II. Letter No. R(Reh) 66/808-II dated 15-01-1977 of the Secretariat asking Provincial Rehabilitation Officer, Jammu to include the name of the S. Lachman Singh in the list of displaced persons claiming allotment of plots;
- III. Letter No. R(Reh) 66/808 or R (Reh) 66/808 dated 19-02-1979 of the Secretariat (which replied by the Provincial Rehabilitation Officer, Jammu vide his letter no. BS(BASTI)3/69-B dated 25-04-79);
- IV. Order(s) issued by the Secretariat on letter No. BS(BASTI) 3/69-B dated 25-04-79 of the Provincial Rehabilitation Officer, Jammu for allotment; and
- V. Specific orders(s) issued by the Secretariat on Letter No. BS(BASTI) 3/69-B dated 25-04-79 of the Provincial Rehabilitation Officer, Jammu in respect of S. No. 40 (S.Lachman Singh) of the list of 44 displaced persons attached therewith.

His RTI application was not responded by the PIO, Revenue department, Civil Secretariat.

Aggrieved by this the appellant filed 1st Appeal with the First Appellate Authority (FAA) / Deputy Secretary to Govt. Revenue Department, J&K Civil Secretariat on 08-02-2018. The 1st Appeal filed by the appellant too was never disposed of by the FAA.

At last the appellant filed 2nd Appeal with the Commission received on 18-04-2018. In the 2nd Appeal the appellant made a prayer requesting interalia that he may be provided the requisite information by issuing the directions to the PIO for the same.

Proceedings before the Commission:

The instant 2nd Appeal came up for hearing before the Commission today on 05-06-2018. The hearing was attended by Sh. Farooq Ahmad Shaw, Special Secretary / FAA and Sh. Manzoor Ahmad Parra /PIO J&K, Revenue Department,

Civil Secretariat. The appellant did not attend the hearing despite due notice. During the hearing, respondents submitted that the appellant has again sought similar type of information which he had sought earlier through his basic RTI application which was disposed of by the Commission in 2nd Appeal. They further submitted that information sought for by the appellant was pertaining to Custodian Provincial Rehabilitation Officer (PRO) Jammu and therefore his RTI application was forwarded to PRO, Jammu u/s 6(3) of the J&K RTI Act, 2009 vide their communication dated 18-05-2017. The respondents submitted that a copy of Para wise reply / counterstatement to the 2nd Appeal in support of their arguments. On perusal of the file it was noticed that the appellant has sought similar type of information vide his RTI application dated 08-01-2018 which he had sought earlier and which was adjudicated upon in his earlier 2nd Appeal. The PIO was inquired whether, the PRO had provided the information to the appellant to which the PIO said that he is not aware about this.

The respondents were heard and record was also perused.

Decision:

The Commission observed that the appellant has chosen a wrong methodology in filing a 2nd Appeal again. Instead he should have filed a complaint for noncompliance of the Commission's order if the information had not been provided to him by the PIO. Notwithstanding this, the Provincial Rehabilitation Officer (PRO), Jammu is directed to locate the file pertaining to the information being sought and provide the requisite information to the appellant within 15 days from the date of receipt of this order. The PIO Revenue Department shall render every assistance to the PRO in locating the records / file pertaining to the information. Before parting, the PIO Revenue Department is informed that repetition of the contents of the RTI application in the fresh RTI application is a reasonable ground for rejection of the RTI application as this has been held by the Central Information Commission and guidelines circulated for general information through DoPT/CVC. The PIO should apply his mind to the material before him before taking any decision while disposing of the RTI

application in future. But repeat RTI application's need not be entertained if already disposed of.

With the above observation / directions this 2nd Appeal is disposed of.

Copy of the order be given free of cost to the parties.

Sd/-
(Khurshid A. Ganai)
Chief Information Commissioner
J&K State Information Commission

File No: SIC.CO.SA.590-2018-_____

Dated: - -2018

Copy to:

01. Custodian Provincial Rehabilitation Officer (PRO), Jammu for information and necessary action.
02. First Appellate Authority (FAA), O/O Revenue Department, J&K Civil Secretariat Srinagar for information.
03. Public Information Officer (PIO), O/O Revenue Department, J&K Civil Secretariat Srinagar for information and necessary action.
04. Private Secretary to HCIC for information of the HCIC.
05. Appellant, Sh. Jagdev Singh S/o Late S. Lachman Singh R/o House No. 45- Extension, Behind New Shakti High School, Janipur Colony, Jammu- 180007 for information.
06. Office File.

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

Zahoor A Bhat