



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/05/2017

Decision No. SIC/K/Comp/05/2017/2018/**46**

Complainant : Sh. Gh. Mohi-ud.Din Dar

Respondent : Public Information Officer (PIO)/
Block Development Officer, Tujjer
Sharief

Date of Decision : 04.07.2018

Final Order

This complaint has arisen out of the RTI application filed by the complainant namely Sh. Gh. Mohi-ud-Din Dar before PIO/BDO, Tujjer Sharief on 06.03.2017 seeking information on 18 queries relating to developmental works in the said Block. The complainant has alleged that despite lapse of specified time limit, the requisite information was not provided to him by the PIO. He also contended that the intentional and deliberate delay in providing information is extremely bad in law and as such the delinquent and negligent officer(s) should be dealt as per the

relevant provisions of the Act. The complainant has further request that the concerned PIO be directed to provide the requisite information as per his RTI application dated 06.03.2018.

The complaint came up for hearing on 20.11.2017. Mr. Ghulam Nabi Andrabi, PIO/BDO Tujjer Sharief and complainant Mr. Gh. Mohi-ud-Din Dar attended the hearing. The complainant submitted that he has not received any information from the PIO. However, the PIO submitted that the complainant was informed telephonically several times at attend his office for receiving the information but he has failed to attend his office. The PIO further submitted that Block Tujjer Sharief is a newly created block established in 2014, as such, is ready to provide the information to the complainant from 2014. During the proceedings, the PIO offered an opportunity to the complainant to visit his office on 25.11.2017 for taking the information. Accordingly, the hearing in the complaint was adjourned with a direction to the complainant to visit the office of the PIO on 25.11.2017 and the PIO was directed to provide the information sought for by the complainant on the said date.

The complaint again came up for hearing on 26.12.2017. Complainant Sh. Gh. Mohi-ud-Din attended the hearing. The PIO did not attend. The complainant alleged that some contractors threatened him and made it impossible for him to reach the office of the PIO on 25.11.2017 as per previous orders of the Commission passed on 20.11.2017. In view of absence of the respondent PIO, hearing in the complaint was adjourned with

directions to PIO to ensure his presence on the next date of hearing besides registry was directed to call on an explanation from the respondent PIO/BDO Tujjer Sharief to explain as to why penalty proceedings may not be initiated against him under Section 17 of the J&K RTI Act, 2009.

The complaint again came up for hearing on 19.06.2018. Mr. Sarfaraz Ahmad Bhat, PIO/Incharge BDO Tujjer Sharief attended the hearing. The complainant did not attend. During the proceedings, the PIO submitted that some of the information has already been provided to the complainant. Moreover, he was asked vide communication dated 21.11.2017 to attend the office of PIO to collect the rest of the information. In reply to the question asked by the Commission as to why the said information was not sent to the complainant through registered post, the PIO submitted that as the complainant was residing in the vicinity of office of PIO, it was thought better if he would receive it personally.

The hearing in the complaint was again adjourned with the observation that although the complainant failed to attend the office of the PIO on 25.11.2017, but the PIO should have sent the information to the complainant through registered post. The registry was, therefore, directed to issue a show cause notice upon Sh. Gh. Nabi Andrabi, the then PIO/BDO Tujjer Sharief (now BDO Boniyar) and also the present PIO, Mr. Sarfaraz Ahmad Bhat, BDO Zainager holding the additional charge of Tujjer Sharief as to why penalty shall not be imposed upon them for not furnishing the information within the specified period. Both the BDOs were

directed to file written statements of their defence within a period of 20 days from the date of hearing i.e. 19.06.2018.

Finally, the complaint again came up for hearing today on 04.07.2018. Sh. Gh. Nabi Andrabi, the then PIO/BDO Tujjer Sharief, now BDO Boniyar and also the present PIO Mr. Sarfaraz Ahmad Bhat, BDO Zainager holding the additional charge of Tujjer Sharief attended the hearing. The complainant did not attend.

Both the BDO vide joint communication dated 02.07.2018 submitted during the proceedings that although the complainant was directed by the Commission to visit the office of 25.11.2017, he failed to attend the office of the PIO for taking requisite information. However, both the BDOs submitted that his office of Tujjer Sharief has managed to forward the remaining information to the complainant by registered post on 19.06.2018. On the allegations of the complainant that he could not attend the office of the PIO on 25.11.2017 to collect the information due to threate, the PIO submitted that nothing of the sort was reported to them by the complainant otherwise, they would have taken action under rules against such fellow. Regarding non-appearance before the Commission on 26.12.2018, the PIO submitted an explanation explaining the reasons for non-appearance during the last hearing and prayed that the proceedings be dropped against them.

Decision:

In view of the written submissions of both the BDOs namely Sh. Gh. Nabi Andrabi, the then PIO/BDO Tujjer Sharief (now BDO Boniyar) and also the present PIO, Mr. Sarfaraz Ahmad Bhat, BDO Zainager holding the additional charge of Tujjer Sharief vide letter dated 02.07.2018 that the information has been sent to the complainant by registered post on 19.06.2018 and in view of repeated failure of the complaint to attend the hearings in the commission, the complaint filed before the Commission is dismissed. Further, in view of the submissions made by the PIO explaining reasons for non-appearance, which after perusal has been accepted by the Commission, the penalty proceedings initiated against Sh. Gh. Nabi Andrabi, the then PIO/BDO Tujjer Sharief (now BDO Boniyar) and also the present PIO, Mr. Sarfaraz Ahmad Bhat, BDO Zainager holding the additional charge of Tujjer Sharief are hereby dropped.

Accordingly, the complaint filed before the SIC is disposed of with the above directions.

Sd/-
(Mohammad Ashraf Mir)
State Information Commissioner

(Ahmad Sajad, PA)

Copy to the:

1. FAA/ ACD Baramulla
2. Sh. Gh. Nabi Andrabi, the then PIO/BDO Tujjer Sharief
now BDO Boniyar

3. Mr. Sarfaraz Ahmad Bhat, BDO Zainager holding the additional charge of Tujjer Sharief
4. Complainant—Sh. Gh. Mohi-ud-Din Dar S/o M. Akbar Dar R/O Sagipora, Zaingeer, Baramulla
5. Office file

(Sheikh Fayaz Ahmad)

Registrar

J&K State Information Commission