


Jammu and Kashmir **tion Commission**
(Constituted under 1 **nation Act, 2009)**
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File No. SIC/K/SA/42/2018
Decision No. SIC/K/SA/42/2018/ **59**

Final Order

Appellant : Sh. Mushtaq Ahmad Mir

Respondents : Public Information Officer (PIO)
J&K State Forest Corporation,
Pir Panchal (West) Extraction Division
Budgam

Date of Registration : 16.03.2018

Date of Decision : 11.07.2018

This 2nd appeal has arisen out of the RTI application dated 09.11.2017 filed by applicant Sh. Mushtaq Ahmad Mir S/o Sonaullah Mir R/o Darwan, Yousmarg, Budgam before PIO/J&K State Forest Corporation, Pir Panchal (West) Extraction Division, Budgam seeking information with regard to issuance of marking list of compartment D-10 of Yousmarg and information regarding ocular observations made during the visit of the officer

of the concerned division on 04.11.2107. Further the applicant had also sought information about the Incharge of the said compartment as on 10.11.2017. Not satisfied with the information provided the PIO/Divisional Manager, PP West Extraction Division, Budgam vide letter dated 09.12.2017, the applicant filed 2nd Appeal before the PIO O/o Divisional Manager, PP West Extraction Division, Budgam on 13.12.2018. In view of non-response of the FAA, the appellant/the then RTI applicant filed the First appeal before the Commission on 16.03.2017 requesting therein the in view of the failure of the PIO and the FAA in providing him the requisite information as sought by him vide his RTI application date 09.11.2018, the concerned PIO be directed to provided him requisite/correct information as per his basic RTI application.

This 2nd appeal came up for hearing before the Commission on 17.05.2018. None of the parties attended the hearing. In order to give an opportunity to the parties of being hearing, the hearing was adjourned interalia with directions to the respondents (FAA/PIO) to furnish in writing the reasons for non-attendance before the Commission on that day i.e., on

17.05.2018, failing which, it will be presumed that the appellant's assertions in the 2nd appeal are based on facts and accordingly penalty proceedings under Section-17 shall be initiated against the PIO for not providing the requisite information and for violation of the J&K RTI Act, 2009 in this regard.

The 2nd appeal again came up for hearing today on 11.07.2018. Mr. Parvaiz Ahamd Parray, APIO/Divisional Manager, PP West Extraction Division, Budgam attended the hearing. The appellant did not attend.

During the proceedings, the APIO/Divisional Manager, PP West Extraction Division, Budgam submitted that the requisite information has already been provided to the information seeker vide his office letter No.1882-831 dated 09.12.2017. However, the information pertaining to ocular observations cannot be given as this does not form the part of official record nor are such observations available in the form of documents/records. Further, the Commission perused the detailed reply furnished by the APIO/Divisional Manager, PP West Extraction Division, Budgam vide letter dated 06.06.2018. The Commission felt that

the information that could have been provided by the PIO to the appellant has been provided to him. The appellant did not attend the consecutive hearings, thereby giving an impression that he is satisfied with the information received by him and is not interested in pursuing this appeal any further. As such, no further proceedings are required in the instant 2nd appeal and the same is accordingly disposed of without any further directions.

Sd/-
(Mohammad Ashraf Mir)
State Information Commissioner

(Ahmad Sajad, PA)

Copy to the:

1. FAA/ J&K State Forest Corporation, PP West Extraction Division, Budgam
2. PIO/Divisional Manager, PP West Extraction Division, Budgam
3. Appellant—Sh. Sh. Mushtaq Ahmad Mir S/o Sonaullah Mir R/o Darwan, Yousmarg, Budgam

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