

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

File No. SIC/J/A/30/2018

Decision No. SIC/J/A/30/2018/ **274**

Appellant: Shri Rashu Kanna,
R/o Lane No.3, Block No. 10,
Jagti Nagrota, Jammu.

Respondents: 1. First Appellate Authority (FAA),
O/o Directorate of Health Services,
Jammu.
2. Public Information Officer (PIO)
O/o Director of Health Services, J&K,
Jammu.
3. Public Information Officer (PIO)
O/o Chief Medical Officer (Deemed PIO),
Jammu.

Date of Registration: 24-04-2018

Date of Decision : 25-07-2018

FINAL ORDER

This appeal has arisen out of RTI application filed by Sh. Rashu Kanna on 18-12-12-17 before the PIO, the Directorate of Health Services, Jammu seeking information on 17 points. The Chief Medical Officer,

Health and Family Welfare vide his communication dated 11-01-2018 provided the information to the applicant. However, the applicant filed first appeal with First Appellate Authority/ Director, Health Services on 03-02-2018 on the ground that the information provided to him by the PIO was incomplete. Instead of deciding the first appeal, the First Appellate Authority vide his communication dated 12-02-2018 directed the Chief Medical Officer, Jammu/ PIO to provide complete information to the appellant within a weeks time. The PIO/ CMO vide his communication dated 23-02-2018 asked the applicant to point out the deficiency in the information already provided to him. Aggrieved by the non disposal of the first appeal by the First Appellate Authority and also non furnishing of complete information by the PIO, the applicant filed the 2nd appeal before the State Information Commission on 05-04-2018 with a prayer that the First Appellate Authority and PIO be directed to provide complete information and also that action be taken against the PIO under section 17 of the J&K RTI Act, 2009.

The appeal came up for hearing before the Commission on 25-05-2018. The hearing was attended by CMO, Jammu and incharge Medical Officer, Jagti Hospital. The appellant submitted that the information provided to him by the PIO was incomplete and misleading. However, PIO submitted that complete information has been provided to the appellant. While going through the information provided to the appellant, the Commission observed that although most of the information has been provided but information in respect of point number 6 was found to be not in order. Similarly, no satisfactory reply was furnished in respect of

point number 7, 8 and 17 of the RTI application. The PIO submitted that point number 7,8 and 17 pertained to Relief and Rehabilitation Commissioner (M), Jammu. The hearing was adjourned with a direction to the PIO/ CMO, Jammu to furnish a revised reply in respect of point number 6 of the RTI application and to transfer point number 7, 8 and 17 to Relief and Rehabilitation Commissioner (M), Jammu under section 6(3) of the J&K RTI Act for furnishing the information directly to the appellant. Since information with respect to point number 17 was to be collected and obtained from an NGO, Mother Helpline India with regard to donation of Ambulance and its current place of operation, the PIO Relief and Rehabilitation Commissioner (M), Jammu was directed to take up the issue with the said NGO and furnish information to the appellant within a period of 20 days.

The appeal again came up for hearing on 27-06-2018. The hearing was attended by PIO/ CMO, Jammu, incharge Medical Officer Jagti Hospital, Community health Officer on behalf of First Appellate Authority, APIO Relief & Rehabilitation Organization, Jammu and the appellant. The PIO/ CMO informed the Commission that a revised reply has been furnished to the appellant as per the directions of the Commission during the last hearing. The appellant expressed his satisfaction in respect of response to point number 6. The APIO, Office of Relief and Rehabilitation (M), Jammu informed the Commission that the reply in respect of point numbers 7 and 8 has also been furnished to the appellant. However, APIO submitted that the matter with regard to point number 17 has not

been taken up with NGO Mother Helpage India with regard to Ambulance issue. The appellant acknowledged the receipt of information from the Relief and Rehabilitation Organization in respect of point number 7 and 8 and expressed satisfaction with the said reply. The appeal was adjourned with a direction to PIO, Relief and Rehabilitation (M), Jammu to take up the matter with NGO Mother Helpage India and enquire whether any ambulance has been donated by the NGO in favour of Jagti Hospital and if so, under whose control the said ambulance is operational at present.

Since the PIO/ CMO, Jammu had furnished the entire information to the appellant, he was exempted from further appearance before the Commission in this appeal.

The appeal again came up for hearing before the Commission on 25-07-2018. The hearing was attended by First Appellate Authority/ Relief and Rehabilitation Commissioner (M), Jammu, PIO, Office of Relief and Rehabilitation, Jammu and the appellant. The PIO filed a written statement dated 04-07-2018 enclosing the response received from Mother Helpage India and informing the Commission that the matter regarding donation of Ambulance was taken up with the said NGO Mother Helpage India in order to seek clarification with regard to point number 17 of the RTI application filed by the applicant. The concerned NGO has informed that Mother Helpage India has not donated any ambulance to any hospital or any private institution. However, an ambulance has been donated to Jagti

Migrant Camp through the representative of the NGO namely Sh. Sunil Kumar Pandita (Community Mobiliser, Mother Helpage India). It has also been informed that the said ambulance is being kept in police post from the very beginning for security reasons to safeguard the property. The NGO has also informed that in case the ambulance is being misused by any person, matter should be taken up with them so that appropriate action is taken. The PIO, Office of Relief and Rehabilitation (M), Jammu also submitted that a copy of the information alongwith the report received from Mother Helpage India has been furnished to the applicant. The appellant acknowledged the receipt of the information from the PIO, Office of Relief & Rehabilitation Commission (M), Jammu.

With the information in respect of point number 17 of the RTI application having been provided to the appellant, the entire information sought by him through his RTI request dated 18-12-2017 has been furnished to him. He has acknowledged the receipt of information and expressed his satisfaction over the said information. However, he alleged misuse of ambulance by the concerned representative of the NGO for purposes other than one it was donated to Jagti Hospital. This is a grievance and the Commission is not empowered to redress grievances. The appellant is better advised to take up the issue with Relief and Rehabilitation Commissioner (M), Jammu, who is the authorized officer for looking after the welfare of the migrants and is the Nodal Agency for relief and rehabilitation of migrants, so that he can take appropriate action including a formal complaint to the NGO concerned, Mother Helpage

India for appropriate action. With these observations the appeal is disposed of.

Sd/-
(Mohammad Ashraf Mir)
State Information Commissioner

No:-

Date:-

Copy to the :-

1. First Appellate Authority (FAA)/ O/o Director, Health Services, J&K, Jammu.
2. Public Information Officer/ Directoroate, Health Services & CMO, Jammu.
3. PS to SIC for information of HSIC.
4. Sh. Rashu Kanna R/o Lane No. 3, Block No. 10, Jagti Nagrota , Jammu.
5. Office File.

Joint Registrar,
State Information Commission.