



Jammu and Kashmir State Information Commission
 (Constituted under the Right to Information Act, 2009)
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Old Assembly Complex, Srinagar, 0194-2506660, 2506661
www.jksic.nic.in

File No. SIC/K/SA/64/2018
 Decision No. SIC/K/SA/64/2018/**75**

FINAL ORDER

Appellant : Sh. Dharam Paul Sharma Retired
 Z.E.O. R/o Hiranagar, Ward No. 11,
 Kathua

Respondent : First Appellate Authority (FAA)/Chief
 Engineer, EM&RE Wing, Kashmir

Public Information Officer (PIO) O/o
 Chief Engineer, EM&RE
 Wing, Kashmir

Deemed Public Information Officer
 (PIO)/Administrative Officer, Chief
 Engineer, EM&RE Wing, Kashmir

Date of Registration : 08-05-2018
 Date of Decision : 14-08-2018

Brief Facts:

This appeal has originated from RTI application dated 18-12-2017 filed by the appellant Shri Dharam Paul Sharma with PIO O/o Chief Engineer, EM&RE Wing, Kashmir seeking a

photo copy of order passed by the Chief Engineer in compliance to order passed by Hon'ble High Court dated 09-04-2012 in case Muhammad Akbar Mir, Installation Inspector Vs State. He filed a first appeal with Chief Engineer, EM&RE Wing Srinagar on 21-01-2018 contending that he did not receive any information from the PIO. Finally, he filed a second appeal before the State Information Commission on 21-03-2018 on the ground that the FAA has failed to dispose of his appeal and the PIO has failed to provide the information sought by him. The said second appeal was registered by the Commission on 05-04-2018 after making the appellant to remove the procedural deficiencies.

The appeal came up for hearing before the Commission on 22-06-2018. Mr. Irshad Ahmad, PIO O/o Chief Engineer was present during the hearing while as the appellant was heard through Video Conferencing from Jammu office. The PIO submitted that the RTI application dated 18-12-2017 was received by him on 04-01-2018 and since the information sought by the appellant was available with Administrative Officer O/o Chief Engineer, EM&RE wing, Kashmir, he sought

the assistance of Administrative Officer in the matter on 04-01-2018 itself. The matter was adjourned with a direction to the Administrative Officer O/o Chief Engineer, EM&RE wing, Kashmir to be present on the next date of hearing and explain what action has been taken by him in the matter of RTI request after his assistance was sought by the PIO in terms of Section 5 (4) of the J&K RTI Act.

The appeal again came up for hearing before the Commission today on 14-08-2018. The PIO O/o Chief Engineer, EM&RE wing, Kashmir Mr. Irshad Ahmad and the deemed PIO Muhammad Abass, Administrative Officer were present in person while as the appellant, who was scheduled to be heard through Video Conferencing from Jammu office of the Commission, did not appear. The deemed PIO/Administrative Officer O/o Chief Engineer, EM&RE wing, Kashmir submitted that he received the RTI application of the appellant on 04-01-2018. After collecting the information, he furnished the same to the PIO with copy of the same to the appellant Shri Dharam Paul vide his communication No. CE/M&RE/Adm-III/RTI/PF-51910-11 dated 19-01-2018. Through the said communication,

a copy of order No. CE/M&RE/06 of 2012 dated 09-04-2012 issued by the Chief Engineer, EM&RE wing, Kashmir in pursuance of the order of Hon'ble High Court in case of Muhammad Akber Mir & Ors Vs. State was furnished to the PIO as well as to the appellant. The Administrative Officer also submitted that when the appellant filed second appeal before the Commission, he again requested the PIO on 03-07-2018 to provide the required information to the appellant. The PIO accordingly once again furnished the said information to the appellant on 14-07-2018. The PIO also submitted a postal receipt of having dispatched the information to the appellant through registered post.

Since the appellant chose not to attend the hearing through Video Conferencing inspite of the due notice, he was contacted through voice call on mobile No. 9797309303 to ascertain whether he has received the information and if so, whether he was satisfied with the same. The appellant confirmed the receipt of information and submitted that he was satisfied with the information provided by the PIO. Infact same information had been provided already by the deemed PIO to

the appellant on 19-01-2018 well within the period specified under section 7 (1) of the J&K RTI Act, 2009.

Since the appellant has received the information and is satisfied with the same, nothing further survives for adjudication in this appeal, the appeal is accordingly disposed of.

Sd/-
(Mohammad Ashraf Mir)
State Information Commissioner

Copy to:

1. First Appellate Authority (FAA)/Chief Engineer, EM&RE Wing, Kashmir
2. Public Information Officer (PIO) O/o Chief Engineer, EM&RE Wing, Kashmir
3. Deemed Public Information Officer (PIO)/Administrative Officer, Chief Engineer, EM&RE Wing, Kashmir
4. Appellant—Sh. Dharam Paul Sharma Retired Z.E.O. R/o Hiranagar, Ward No. 11, Kathua
5. Office file

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