



Jammu and Kashmir State Information Commission
(Constituted under Right to Information Act 2009)
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File No. SIC/J/A/31/2018
Decision No. SIC/J/A/31/2018/285

Final Order

Appellant : Shri Haq Nawaz Nehru
S/o Late Shri Assadullah Nehru
R/o Nehru Chowk,
District Doda

Respondent : FAA, Superintending Engineer, Hydraulic
Circle, Doda
PIO, Executive Engineer, Irrigation & FC
Division, Doda

D . O . R : 03-05-2018
Date of decision : **28-08-2018**
Decision : Disposed of

The present appeal has arisen out of RTI application dated 27.11.2017 filed by Shri Haq Nawaz Nehru with the PIO, Executive Engineer, Irrigation and Flood Control Division, Doda seeking information with regard to site plan, estimates of quarter constructed at Sharool Mandole, quantum of land purchased for such construction, present status of the building and whether any person was engaged for watch

and ward of the said quarter besides status of Shri Mohd. Shafi S/o Sabar Mir. The postal order attached with the RTI application was prepared by the applicant in favour of "Accounts Officer, Irrigation & FC Division Doda". Since there was no post of Accounts Officer in the office of the Executive Engineer, Irrigation and Flood Control Division, Doda, the PIO, Executive Engineer, Irrigation & FC Division, Doda rejected the RTI application and returned the same to the applicant on 15.12.2017. The applicant filed the first appeal before the First Appellate Authority / Superintending Engineer, Hydraulic Circle Doda against the rejection of his RTI application by the PIO on 18.01.2018. FAA vide his communication disposed of the first appeal on 08.02.2018 directing the Executive Engineer Irrigation and Flood Control Division, Doda to provide the requisite information to the applicant. Accordingly, the PIO vide his communication dated 27.02.2018 provided the information to the applicant. The appellant filed 2nd appeal before the State Information Commission on 19.03.2018 submitting thereunder that the information provided to him was incomplete and requested the Commission to take appropriate action against the PIO for delay in providing the information more than 100 days.

The appeal came up for hearing before the Commission today on 28th August 2018. FAA/ Superintending Engineer, Hydraulic Circle, Doda and PIO, Executive Engineer, Irrigation & Flood Control

Division, Doda were present. The appellant did not attend the hearing despite due notice. Shri Vikas Sharma, PIO, Executive Engineer, Irrigation & Flood Control Division, Doda informed the Commission that he joined as Executive Engineer, Irrigation and Flood Control Division, Doda on the retirement on superannuation of Shri B B Gupta on 31.07.2018. He also informed that the information was furnished by the then PIO to the appellant on 27.02.2018. The delay in providing the information was as a result of rejection of the RTI application by the then PIO on the ground that the postal order accompanying the RTI application was pledged in favour of Accounts Officer, Irrigation and Flood Control Division, Doda which post did not exist in the Irrigation & Flood Control Division, Doda. It was for this reason, the RTI application was returned and the appellant was asked to furnish postal order in favour of Accounts Officer, O/o Chief Engineer, Irrigation & Flood Control Department, Jammu. Therefore, there was no delay in furnishing the information as the basic RTI application was returned to the applicant. However, on the directions of the FAA/Superintending Engineer, Hydraulic Circle, Doda, the information was furnished to the applicant on 27.02.2018.

While going through the information furnished by the PIO on 27.02.2018, the Commission feels that the information in respect of point No.1 and 2 of the RTI application was incomplete as the estimated cost of the quarter and details of land purchased for construction of such

quarter has not been furnished to the appellant. However, the response of the PIO to point Nos. 3,4 and 5 of the RTI request sufficiently replied the issues raised by the appellant in his RTI application. PIO submitted that the quarter in question has been constructed way back in 1974 and the details as sought by the appellant in point No. 1 and 2 are not readily available in his office. He, however, assured that he will try his utmost to collect the said information and provide the same to the appellant.

The appeal is disposed with the direction to the PIO to provide the complete information in respect of point Nos. 1 and 2 of the RTI application dated 27.11.2017 to the appellant within a period of three weeks from the date of receipt of this order. The appellant shall however, have the liberty to file complaint in case the balance information is not provided by the PIO to him with the aforesaid period.

Sd/-

(Mohammad Ashraf Mir)

State Information Commissioner

Dated. .09.2018

No. SIC/J/A/31/2018

Copy to the:

1. FAA Superintending Engineer, Hydraulic Circle, Doda for information.
2. PIO, Executive Engineer, Irrigation & FC Division, Doda for information and compliance.
3. Shri Haq Nawaz Nehru, S/o Lt. Assadullah Nehru, R/O Nehru Chowk, District Doda.
4. Office file

(Zaheer Abbas)

Assistant Registrar

State Information Commission