



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/J/A/37/2018
Decision No. SIC/J/A/37/2018/**294**

Final Order

Appellant : Sh. Balbir Singh
Respondents : First Appellate Authority (FAA)/ SE
Hydraulic Circle Udhampur/
Public Information Officer,
Executive Engineer, PHE Division,
Reasi
Date of Receipt : 04.05.2018
Date of Decision : 29.08.2018

The present appeal has been filed by the appellant Sh. Balbir Singh on 05.04.2017 submitting thereunder that he had filed RTI application on 10.11.2017 before PIO/Executive Engineer, PHE Division, Reasi, but the PIO did not decide the said RTI application forcing him to file First Appeal before Chief Engineer, PHE Department, Jammu on 02.01.2018. The said appeal was transferred by Chief Engineer, PHE Department, Jammu to Superintending Engineer, Hydraulic Circle, Udhampur,

who vide his order dated 20.03.2018 dismissed the appeal. The appellant accordingly prayed that the PIO and the FAA be directed to furnish the reply to the RTI request made by the appellant.

The appeal came up for hearing before the State Information Commission (SIC) today on 29.08.2018. Mr. Ashwani Kumar Anand, FAA/ Superintending Engineer, Hydraulic Circle, Udhampur, Mr. P. P. Arora, PIO/Executive Engineer, PHE, Division, Reasi and Sh. Kushal Kumar, representative of the appellant attended the hearing. The FAA and the PIO informed the Commission that the appellant had in fact filed his basic RTI application on 30.03.2017 with PIO/Executive Engineer, PHE Division, Reasi. The PIO furnished the information to the appellant on 28.04.2018. Thereafter, the appellant sought certain clarifications with regard to the information already furnished to him through his application dated 08.11.2018, which was received by the PIO on 16.11.2017. The PIO replied the said clarificatory request also vide his communication dated 11.12.2017. However, the appellant filed First Appeal with Chief Engineer, PHE Department, Jammu on 06.01.2018. Since the Superintending Engineer, Hydraulic Circle, Udhampur, was the

FAA in this matter, the Chief Engineer, PHE Department, Jammu transferred the First Appeal to Superintending Engineer concerned on 11.01.2018. The FAA also informed the Commission that on 26.02.2018, the appellant was asked to appear before the FAA for hearing of the First Appeal on 08.03.2018, but the appellant did not appear on the date of hearing. Again on 13.03.2018, the appellant was directed to appear before the FAA in connection with the hearing of the First Appeal on 16.03.2018. He was also informed that in case he did not appear for hearing before the FAA, it shall be presumed that he has nothing to say and the appeal would be disposed of accordingly. The appellant failed to appear before the FAA on 16.03.2018 also. Finally, the First Appeal was disposed of by the FAA on 20.03.2018 by dismissing the appeal on the ground that the appellant was not interested in pursuing his First Appeal.

The appellant, however, submitted that he received both the notices issued by the FAA on 26.02.2018 and 13.03.2018 much after the dates fixed for hearing in the respective notices. That is why he could not attend the said hearings.

In view of the fact that the First Appeal has been disposed of by the FAA without hearing the appellant in view of his non-

cooperation, which the appellant, however, has contested, it would be in the fairness of justice to remit back this appeal to the FAA for disposing of the First Appeal after hearing the appellant and affording him an opportunity of presenting his case. **The appeal is accordingly remitted back to the FAA. The FAA is advised to inform the appellant about the date of hearing of the appeal not only through registered post, but also telephonically and thereafter dispose of the appeal on merits after hearing the appellant. In case the appellant again fails to attend the hearing in spite of due notice, the FAA shall be at liberty to dismiss the First Appeal for non-cooperation of the appellant in pursuing his appeal.**

With the above directions, the 2nd appeal filed before the SIC is disposed of.

Sd/-
(Mohammad Ashraf Mir)
State Information Commissioner

(Ahmad Sajad, PA)

Copy to:

1. Chief Engineer, PHE Department, Jammu
2. Superintending Engineer, Hydraulic Circle, Udhampur
3. PIO/Executive Engineer, PHE Division, Reasi

4. Appellant—Sh. Balbir Singh S/o Sh. Dulat Ram, R/o Ward No.01 Nai Basti District Reasi
5. Office file.

(Zaheer Abbas)
Assistant Registrar
State Information Commission.