



Jammu and Kashmir State Information Commission

(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/53/2018

Decision No. SIC/J/A/53/2018/303

Final Order

(Second Appeal)

Appellant : Sh. Vipin Sharma.

Respondents : First Appellate Authority (FAA)/Superintending Engineer, Sewerage and Drainage, Jammu
and Public Information Officer (PIO)/Executive Engineer, Sewerage & Drainage (West) Division, Jammu.

Date of Registration : 29.05.2018.

Date of Decision : 30.08.2018.

Brief Facts:

The present appeal has originated from the RTI application dated: 26.08.2017 filed by the applicant Sh. Vipin Sharma, Editor, Jagriti Times, R/o. 60, Sector-1, Nanak Nagar, Jammu with PIO, Sewerage & Drainage Department, Division West, Jammu seeking information regarding the basic procedure to call tenders from the contractors, description of expenditure in distinct sectors with break-up of each sector, details of newspaper along date in which NIT published to call the tender from the contractors to execute the job, name of successor contractors along with address with

site and location of execution of jobs and the quantum of amount they have done, job executed through contractor without calling tenders, Xerox copies of the comparative statement made by the division in tendering process to select the successor one of prescribed financial year, mode of payment made to the contractors who had executed the jobs whether it was RTGS, payee account etc. On non-provision of requisite information by the PIO within the stipulated time period, the applicant filed First Appeal before the FAA/Superintending Engineer, Sewerage & Drainage Division West, Jammu on 03.11.2017. Aggrieved by the non-disposal of his First Appeal by the FAA and non-provision of information by the PIO, the appellant finally came in Second Appeal before the State Information Commission on 23.04.2018 which, after making the appellant to remove the procedural deficiencies, was admitted by the Commission on 29.05.2018.

Proceedings:

The appeal came up for hearing before the Commission today on 30.08.2018. Sh. Satinder Singh Rana, FAA/Superintending Engineer, Sewerage and Drainage, Jammu, Sh. Taj Mohd. Chowdhary, PIO/Executive Engineer, Sewerage and Drainage, Division West, Jammu and Sh. Sham Lal Sharma, representative of the appellant, attended the hearing. The respondents (FAA/PIO) submitted that through the RTI application dated: 26.08.2017, the applicant sought voluminous information regarding details of tenders, description of expenditure in distinct sectors, details of newspapers in which NIT was published, name of successor contractors and other related information but the applicant had not specified the

works/projects about which such information was sought. The respondents (FAA/PIO) also submitted that the appellant was contacted on phone to visit for inspection but he did not respond. The PIO also submitted that vide communication dated: 22.12.2017, the appellant was again asked to visit his office on 26.12.2017 by 02.30 p.m. for having inspection of records but he did not turn up and instead filed Second Appeal before the State Information Commission.

Decision:

The appeal is disposed of with a direction to the appellant to visit the O/O PIO, Sewerage and Drainage, Division West, Jammu on any convenient date for having inspection of records. The PIO, Sewerage and Drainage, Division West, Jammu is directed to fix a mutually convenient date with the appellant for inspection of records and facilitate such inspection of records. If after having inspection, the appellant specifies the information which is required by him, the same shall be provided by the PIO to the appellant within a period of 03 weeks from the date of such inspection.

Copy of the decision be given free of cost to the parties.

Sd/-
(Mohammad Ashraf Mir)
State Information Commissioner

Copy to the:

1. FAA/Superintending Engineer, Sewerage and Drainage, Jammu.

2. PIO/Executive Engineer, Sewerage and Drainage (West) Division, Jammu.
3. Appellant—Sh. Vipin Sharma (Editor) Jagrati Times 60, Sector-I, Nanak Nagar, Jammu.
4. Office File.

(Zaheer Abbas)
Assistant Registrar
State Information Commission.