



Jammu and Kashmir State Information Commission

شہن یشن کمیت انفارمیر اسٹیٹسٹ کشمیر جموں ا
(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/23/2018

Decision No. SIC/J/A/23/2018/310

Final Order

(Second Appeal)

- Appellant : Sh. Mohd. Ayub Ayan.
- Respondents : First Appellate Authority (FAA)/
Superintending Engineer, Hydraulic Circle,
Udhampur and
Public Information Officer (PIO)/
Executive Engineer, Irrigation Division,
Dharmari.
- Date of Registration : 01.05.2018.
- Date of Decision : 28.08.2018.

Brief Facts:

In the present appeal, the applicant Sh. Mohd. Ayub Ayan, S/o. Ab. Ahad Khatmat, R/o. Mahore, Tehsil Mahore, District Reasi had sought information from PIO, Irrigation Division, Dharmari through his RTI application dated: 25.03.2017 on 08 (eight) points mentioned in his basic RTI application. Since the PIO failed to provide information within the stipulated time, the applicant filed First Appeal with Superintending Engineer, Irrigation and Flood Control, Circle Udhampur on 26.04.2017 pleading thereunder that the PIO has failed to provide the requisite

information. The FAA vide his order dated: 24.06.2017 dismissed the First Appeal filed by the applicant on the grounds that the applicant has failed to deposit the requisite photocopying charges of the documents and has also not extended any cooperation and disposed of the First Appeal thereby assuming that the applicant was no more interested in seeking the information. Aggrieved by the said order of the FAA, the applicant filed second appeal before the J&K State Information Commission on 23.10.2017 which, after making the appellant to remove the procedural defect, was admitted by the Commission on 01.05.2018.

Proceedings:

The appeal came up for hearing before the Commission on 25.07.2018. The hearing was attended by Sh. Ashwani Kumar Anand, FAA/Superintending Engineer, Hydraulic Circle, Udhampur, Sh. Vineet Gupta, PIO/Executive Engineer, Mahore Irrigation Division, Dharmari and the appellant. The respondents submitted that the appellant had sought voluminous information through his RTI application dated: 25.03.2017. The appellant was accordingly directed by the PIO to deposit a sum of Rs. 2000/- (Rupees Two Thousand only) on account of photocopying charges for the documents he has sought or as an alternative visit the office of the PIO to inspect the relevant records in his office. However, instead of depositing the photocopying charges or availing the opportunity of inspection of records, the applicant filed First Appeal which was received by the FAA on 28.04.2017. The FAA directed the appellant to attend the hearing of the First Appeal on many occasions but the appellant abstained.

Vide notice dated: 12.06.2017, the FAA gave the last and final opportunity to the appellant to attend the hearing on 19.06.2017 but the appellant did not even avail the said last opportunity. Finally, the FAA vide his order dated: 24.06.2017 dismissed the First Appeal on the ground that the appellant has failed to deposit the requisite photocopying charges and also did not extend any cooperation in disposal of the First Appeal.

The appeal came up for hearing before the State Information Commission on 25.07.2018. The hearing was attended by Mr. Ashwani Kumar, FAA/Superintending Engineer, Udhampur, Mr. Vineet Gupta, PIO/Executive Engineer, Mahore Irrigation Division and the appellant. The hearing in the appeal was adjourned with a direction to the PIO/Executive Engineer, Mahore, Irrigation Division, Dharmari to collect and collate the information sought by the appellant and thereafter calculate the amount of copying charges to be paid by the appellant so that exact amount to be deposited by the appellant is conveyed to him. The appellant was also directed to deposit the charges as may be conveyed by the PIO so that information is provided to him.

The appeal again came up for hearing before the Commission today on 28.08.2018. The appellant was present. FAA/Superintending Engineer, Hydraulic Circle, Udhampur and PIO/Executive Engineer, Mahore Irrigation Division, Dharmari were also present during the hearing. The respondents submitted that in pursuance to the last directions of the Commission, the appellant was directed vide communication dated: 16.08.2018 to deposit a sum of Rs. 300/- so that the information consisting of 150 pages is

provided to him. However, till date, the appellant has failed to deposit the said amount. The PIO further submitted that he has brought alongwith him the information to be provided to the appellant and it can be provided to the appellant even during the hearing. The appellant, however, submitted that he has not received the communication dated: 16.08.2018 supposed to have been issued by the PIO for depositing copying charges. Since Rs. 300/- was not a huge sum, the FAA and the PIO were directed to handover the information to the appellant, free of cost, in view of the delay caused in furnishing of the information to the appellant. Accordingly, the PIO handed over the information to the appellant, as sought by him, during the course of hearing.

Decision:

Since the information sought by the appellant has been provided to him by the PIO, free of cost, the purpose of filing the second appeal by the appellant has been achieved. The appeal is accordingly disposed of.

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, Hydraulic Circle, Udhampur.
2. PIO/Executive Engineer, Irrigation Division, Dharmari.

3. Appellant—Sh. Mohd Ayub Ayan S/o Sh. Ab. Ahad Khatmat
R/o Mahore Tehsil Mahore District Reasi.
4. Office File

(Zaheer Abbas)
Assistant Registrar
State Information Commission.