



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/61/2018

Decision No. SIC/J/A/61/2018/325

Final Order

(Second Appeal)

Appellant : Sh. Mushtaq Ahmed Naik.

Respondents : First Appellate Authority (FAA)/
Conservator of Forests, Chenab Circle, Doda
and Public Information Officer (PIO)/
Divisional Forest Officer (DFO), Doda.

Date of Registration : 13.06.2018.

Date of Decision : 18.09.2018.

Brief Facts:

This appeal has arisen out of the RTI application filed by the appellant Sh. Mushtaq Ahmed Naik on 21.08.2017 with the PIO/DFO, Doda seeking information as regards total number of government huts in Doda Forest Division, persons living in those huts, number of Chowkidars appointed for watch and ward of these huts, details of audit inspection from 2012-17 and the details about audit conducted by Principal Accountant General in 2015 ordering recovery from the applicant. The PIO/DFO, Doda furnished reply to the appellant vide his communication No. 1946-48 dated: 12.09.2017. The appellant, however, filed First Appeal with Conservator of Forests, Chenab Circle Doda on 09.12.2017 submitting

thereunder that no information has been provided to him by the PIO within the specified period. The First Appeal was disposed of by the FAA on 08.01.2018 with the observation that the information stands provided to the appellant by the PIO sent through postal means and also that the appeal was disposed of to the satisfaction of the appellant on receipt of the information. However, the appellant filed Second Appeal before the State Information Commission (SIC) on 24.01.2018 (admitted on 13.06.2018) submitting that no information has been provided to him.

Proceedings:

The appeal came up for hearing before this Commission today on 18.09.2018. The appellant and the PIO were scheduled to be heard through Video Conferencing from NIC, Doda. However, due to technical hitch in the internet access, they were heard through voice call. The appellant again submitted that he has not received any information. However, the PIO submitted that information has been duly sent to the appellant by the then PIO on 12.09.2017. He also provided postal receipt which establishes that information has been dispatched to the appellant on 12.09.2017. The PIO also submitted that during the hearing of the First Appeal, the appellant was informed that the information has been sent on 12.09.2017 and the appeal was disposed of by the FAA after having satisfied himself that the information has been furnished to the appellant.

After going through the documents submitted by the respondents, it is established that information has been provided to the appellant on 12.09.2017, well within the period specified under section 7(1) of the J&K

RTI Act, 2009. However, in respect of points (iv) and (vi) of the RTI application, the appellant was asked to have inspection of records, which opportunity the appellant has not so far availed. Since the appellant insists that he has not received the information sent through post on 12.09.2017, the PIO/DFO, Doda agreed to provide another copy of the information which was already furnished to him.

Decision:

The appeal is disposed of with a direction to the PIO/DFO, Doda to resend the information to the appellant, which was already furnished to him on 12.09.2017, through registered post and also to facilitate inspection of records by the appellant in respect of points (iv) & (vi) of his RTI application dated: 21.08.2017. In this regard, the PIO/DFO, Doda would communicate a convenient date to the appellant well in advance and provide access to all records relating to information sought in para (iv) & (vi) of the RTI request. The appellant is also directed to avail the opportunity of inspection of records on the date as may be fixed for the said purpose mutually.

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

Sd/-

(Mohammad Ashraf Mir)
State Information Commissioner
Dated:

No: SIC/J/A/61/2018_____

Copy to:

1. FAA/Conservator of Forests, Chenab Circle, Doda for information.

2. PIO/Divisional Forest Officer (DFO), Doda for information and necessary action.
3. Private Secretary to SIC for information of the HSIC.
4. Appellant/Sh. Mushtaq Ahmed Naik, S/o. Gulab Din Naik, R/o. Shiva, Tehsil & District Doda, Pin Code: 182201 for information.
5. Office file.

(Zaheer Abbas)
Assistant Registrar
J&K State Information Commission