



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. 0194-2484269, 2484262
www.jksic.nic.in

File No. SIC-K/SA/35/2013
Decision No. SIC-K/Comp/35/2013/03

Title: Shri Muhammad Bashir Beigh **v/s** PIO SKIMS,
& Others **(Respondent)**
(Appellants)

Present:

1. Shri Mohammad Rafiq Dar, PIO SKIMS.
2. Shri Ali Mohammad Mir, AO SKIMS.
3. Shir Muhammad Bashir Beigh, Appellant.
4. Shri Mohammad Yasin, Appellant.

Srinagar
03.01.2014

This is a Second Appeal filed before the Commission on 11.10.2013 by Shri Muhammad Bashir Beigh & Ors. against Public Information Officer (PIO) SKIMS Soura, Srinagar on the grounds that the appellant filed an RTI application before PIO SKIMS on 13.05.2013 and the PIO vide letter dated 05.06.2013 conveyed statement of Administrative Officer (G-II). The

appellant has further submitted that on filing an appeal to 1st Appellate Authority SKIMS regarding non-issuance of desired information/statement, he was provided one more statement regarding Sr. Assistant only and rest of information was denied vide letter dated 01.08.2013 issued by FAA.

As per RTI application following information has been sought: -

1. **“Salary statement of the incumbents appearing in office Order No. 455 (P) of 1995, dated 01.02.1995 from (01-02-1996 to 01.02.2000).**
2. **The reason under what rule we have been denied granting the anomaly privilege accrued as our right being seniors.**
3. **Salary statement of the application appearing in office order No. 388 (P) of 1994, dated 01.12.1994 from (01-02-1996 to 01-02-2000).**
4. **Statement of the Rule under which Head Assistants were given retrospective effect after twelve years, (along with their order copy).**
5. **Statement of the incumbents appearing in office order No. 388 (P) of 1994, dated 01-12-1994 when they physically joined on vacancies in officiating capacity.**
6. **Statement of the incumbents appearing in office order No. 455 (P) of 1995, dated 01-12-1995, when they physically joined in officiating capacity against borrowed posts”.**

In reply to the notice of the Commission, PIO SKIMS under letter dated 13.11.2013 submitted that the information desired by the applicant was pertaining to Sr. Admn. Officer Policy and

Director Finance and accordingly matter was taken with them on 05.06.2013. Sr. Admn. Officer Policy forwarded the information which was forwarded to the information seeker on 24.07.2013 and response received from Accounts Officer provided to the appellant on 22.07.2013. PIO further submitted that the First Appeal filed by the appellants before FAA was disposed of on 01.08.2013.

The case was initially heard on 21.11.2013 and the appellant Muhammad Bashir Beigh admitted to have received the information sought under the Act. The appellant, however submitted that salary as per monthly pay slips given to him and salary shown as drawn in the information provided by the PIIO SKIMS are at variance. Upon perusal it was found that the salary of Muhammad Bashir Beigh as per computerized slips of SKIMS for the months of Feb & April 1999 is Rs. 6100/-, whereas salary drawn as shown in the salary statement furnished to the PIO by Accounts Officer is Rs. 6300/- . The case was accordingly adjourned with following directions: -

“The appellants essentially wanted redressal of pay anomaly. Since both these information have been provided by SKIMS, it is incumbent upon CAO/AO, who has provided information to the PIO, to examine the issue and come up with a response on the next date of hearing. Appellants are directed to provided photocopies of the salary slips alongwith their rejoinder to the PIO within one week from issue of this order”.

In compliance to orders of the Commission, Shri Rafiq Ahmad Dar, PIO SKIMS submitted that he has issued office Memo to the Accounts Officer, SKIMS with copy to the information seeker regarding variation in salary statement.

Although Shri Ali Mohammad, Accounts Officer SKIMS Soura appeared on 16.12.2013 and submitted that he was at Jammu in connection with Budget Meetings, and therefore he could not attend the issue under reference. The Commission accordingly observed as under: -

“AO SKIMS is directed to submit his response on the basis of records with regard to variation in salary drawn as per salary slips produced by the information seeker. The information seeker shall be at liberty to produce further evidence i.e., account statements from the bank for other months”.

In compliance to above directions of the Commission, Shri Ali Mohammad, Accounts Officer SKIMS vide letter dated

28.12.2013 has not denied the pay slips and also the variation in salary. Relevant abstracts of the letter of AO under reference are as under: -

“That the few pay slips presented before the Hon’ble State Information Commission on 21st November 2013 are “not denied” and are computer generated by Management Information Services SKIMS

Regarding confirmation/authentication of pay slips by Management Information Services they could not authenticate same, because they had no backup facility software till 2011(the communication of EDP Officer is enclosed)”

“As regard the salary statement issued to the information seekers/appellants is based on the fixation of pay made in their service books, once they were regularized on the posts of Pharmacists retrospectively with effect from 01.12.1994 with notional benefit of promotion for all service benefits including fixation of pay and pension in terms of Govt. Order No. SIMS 513(P) of 2000, dated 11.08.2000.

As for as notional benefit of promotion retrospectively i.e., from 01.12.1994 is concerned, only fixation was to be made and no monetary benefits applicable under rules”.

Upon perusal of records and as per statement of the appellants during proceedings on 21.11.2013, the appellants admitted to have received the information sought on except the query with regard to variation in salary shown as drawn in the information given and as per salary slips for some months produced by the information seeker. This particular query of

variation in salary has now adequately been responded to by the PIO in his reply dated 30.12.2013 stated herein above; it is also supported with order No. 53(P) of 2000 dated August 11, 2000.

In spite of the query having been responded to, the appellants submitted that he is not convinced. It appears that they want some information/statement as per their own perception which includes redressal of grievances etc. It was made clear to them that under RTI Act, PIO is required to provide information as per records held by him and not redressal of grievances. The appellants were advised to approach appropriate authorities with the set of information made available to them in this regard.

In view of above, the appeal with regard to providing of information is disposed of.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the: -

1. Director SKIMS Soura, Srinagar.
2. Sr. Administrative Officer, SKIMS Soura, Srinagar.
3. Accounts Officer, SKIMS Soura, Srinagar.
4. Shri Muhammad Bashir Beigh s/o Gh. Mohammad Beigh
r/o Aalamgari Bazar, Srinagar.

(M.S. Bhat)
Deputy Registrar,
J&K State Information Commission