



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/23/2013

Decision No: SIC/K/SA/23/2013/06

Title: Shri Mohammad Sharief Mir v/s 1. Administrator.
S/o Gul Mir, Municipal Committee,
R/o Kaalbal Pampore Pampore
2. PIO/Executive Officer,
Municipal Committee,
Pampore
(Appellant) (Respondents)

Present: 1. Sh. Mushtaq Ahmad, Tehsildar Pampore.
2. Sh. Mohammad Ismayel Mir, E.O. MC Pampore
3. Sh. Mohammad Sharief Mir, appellant

Srinagar
15.01.2014

The Commission received a complaint on 26.08.2013 from Shri Mohammad Sharief against Administrator Municipal Committee Pampore stating that his RTI application seeking copy of order issued by Sub-Judge Pulwama in case titled Saja v/s Nisar Ahmad etc. was eventually heard by the Commission in the shape of Second Appeal. It is submitted that while deciding the Second Appeal, the Commission in its order dated 17.07.2013 directed to decide First Appeal within two weeks for providing order of Sub-Judge Pulwama. That in compliance to above orders, FAA in his order dated 08.08.2013

directed PIO to provide record to the information seeker. That in compliance PIO issued an order on 16.08.2013 enclosing 7 documents. It is alleged that these documents did not contain order of Sub-Judge Pulwama Therefore through medium of complaint under reference, he has requested to provide order of the Sub-Judge Pulwama titled Saja v/s Nisar Ahmad and also sought compensation. .

Copy of the complaint was forwarded to FAA/PIO vide notice of the Commission dated 11.09.2013 for reply/counter objections. Also, complainant was directed to substantiate within 15 days as to how the information provided to him is not the information which he had sought in RTI application.

In his reply dated 25.09.2013, Executive Officer (PIO) submitted as under: -

“As per the directions of the Administrator MC Pampore (FAA) the copies of the communications between the institution and Revenue Department till receipt of the document showing the pendency of the matter before Hon’ble Sub-Judge Pulwama mentioned in this office communication No. MCP/12-13/1334 dated 09.03.2013 have been provided to the information seeker. Copy of the same alongwith enclosures is enclosed for ready reference please.

It is further submitted that no any other order of Sub-Judge Pulwama as sought by the information seeker related to the case is available with this office”.

The reply has been marked to information seeker and he admitted to have received it.

Thereafter, in compliance with notice of Commission dated 19.12.2013, Administrator/Executive Officer, MC Pampore submitted an affidavit to the Commission as under:-

“We, Administrator Municipal Committee Pampore and Executive Officer Municipal Committee Pampore solemnly affirm and declare as under:-

That as already submitted vide this office communication No. MCP/13-14/657-58 dated 25.09.2013 and No. MCP/13-14/659-60 dated 25.09.2013 in response to the Notice No. SIC/K/SA/23/2013/2747-49 dated 11.09.2013, the information sought by the information seeker namely Sh. Mohammad Sharief Mir has been provided to him as per the records available in this Committee and nothing has been concealed.”

The crux of the complaint filed before the Commission is the allegation that the information provided did not contain the order of the Sub Judge Pulwama.. The reply in this behalf has been submitted by the respondents vide letter dated 25.09.2013 with copy to the information seeker which has been received by him. Thereafter Administrator/Executive Officer have filed an affidavit giving references under which information has been provided to the information seeker, as reproduced herein above. Therefore issues raised in the complaint have been responded to in so far as providing

of information under the RTI is concerned. Under J&K RTI Act information means documents held / under control of the PIO and therefore PIO is not expected to generate information on the wishes or to the expectation of the information seeker. Therefore, it is upheld that information /response within the definition of information under the RTI Act has been provided to the information seeker.

The Commission did not find any grounds for compensation as sought by the complainant.

The complaint is accordingly disposed.

Sd/-
Nazir Ahmed)
State Information Commissioner

Copy to the:-

1. Administrator, Municipal Committee Pampore(FAA).
2. Executive Officer, Municipal Committee Pampore(PIO).
3. Sh. Mohammad Sharief Mir S/o Gull Mir R/o Kadalbal Pampore.

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