



**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  
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File No. SIC-K/SA/01/2013  
Decision No. SIC-K/SA/01/2013/26

Title: **Sh. Farooq Ahmad Kuthoo v/s PIO Kashmir University**  
**(Appellant) (Respondent)**

- |                                    |         |
|------------------------------------|---------|
| 1. Shri A.R. Sofi,<br>(Respondent) | Present |
| 2. Appellant                       | Absent  |

**Srinagar**  
**11.03.2014**

Brief back ground this Appeal is that an RTI application has been filed by Shri Farooq Ahmad Kuthoo (appellant) through Registered Post on 30.07.2013 addressed to PIO University of Kashmir seeking certified copies of information regarding admission in Biochemistry, Clinical Biochemistry from the year 2006-2013 etc. This RTI application has been responded to by the PIO under communication dated 04.09.2013 enclosing information comprising of one leaf.

Not satisfied with the information provided by the PIO, the appellant has filed First Appeal before FAA University of Kashmir stating that his RTI application has not been responded to by the PIO within the stipulated period of 30 days under the provisions of the RTI Act and has requested to direct PIO provide information free of cost. He has further submitted that a letter has been sent to him (copy enclosed) wherein it is mentioned that 1 part of information is available on the University website but he could not find the required relevant information asked in the RTI application. The appellant has accordingly requested the FAA to provide information to him without further delay.

The appellant has filed Second Appeal before the Commission on 16.12.2013 stating that FAA University of Kashmir has failed to provide any information to him till date in response to his First Appeal filed on 01.10.2013 and has accordingly requested the Commission for providing complete information to him, public authority of University of Kashmir be directed to compensate the applicant and penalty be imposed on the respondents & disciplinary action recommended against them.

In his counter reply, PIO University of Kashmir has submitted that he issued a letter to the concerned officer on 21.08.2013 and the information seeker was apprised of the response of concerned officer on 04.09.2013.

During proceedings today on 11<sup>th</sup> of March 2014, PIO University of Kashmir produced communication of FAA dated 28.10.2013 wherein PIO and the appellant have been asked to appear in person alongwith relevant documents on 04.11.2013 @ 11.00 am for hearing

the appeal. Thereafter, in another communication dated 28.11.2013, FAA has recorded that the appellant failed to appear personally on 04.11.2013 and on his request hearing was postponed upto 10 days. The parties were accordingly directed to appear on 03.12.2013 @ 11.00 am so that appeal is disposed of on priority. PIO submitted before the Commission that First Appeal could not be disposed of because the appellant did not appear before FAA although he was informed twice as above.

As per Section 10 of the RTI Rules 2012, the appellant or complainant, as the case may be, shall in every case be informed of the date of hearing. However, the appellant may at his discretion at the time of hearing of the appeal or complaint by the Commission be present in person or through his duly authorized representative or may opt not to be present. These rules are equally applicable while deciding First Appeal; therefore FAA, has followed due procedure by giving opportunity of being heard to the appellant. However, FAA is required to decide the appeal within prescribed period, should appellant exercise his discretion not to be present.

Since First Appeal has not been adjudicated for reasons stated above, the Commission deem it proper to direct FAA to adjudicate the appeal pending before her within two weeks in terms of Section 16(1) of the Act after providing a last opportunity to the appellant in terms of Section 10 of RTI Rules 2012.

**Sd/-**  
**(Nazir Ahmed)**  
**State Information Commissioner**

Copy to the: -

1. Deputy Registrar University of Kashmir (First Appellate Authority).
2. Shri A.R. Sofi, Assistant Registrar, University of Kashmir (Public Information Officer).
3. Shri FARooq Ahmad Kuthoo, c/o TraveKash Travel Solutions Pvt. Ltd., Top Floor, Rather Complex, MA Link Road, Munawarabad, Srinagar.

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