



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/Comp/86/2013
Decision No SIC-K/Comp/86/2013/30

Title: Shri Ishfaq Sidiq Pal,
S/o Mohammad Sidiq Pal v/s
R/o Buchroo, Chadoora,
(Complainant)

PIO/PHE Department
Rajbagh Srinagar
(Respondent)

Present:

Shri Mohammad Ayub, PIO/PHE Department, Kashmir.

Srinagar
15.03.2014.

The background of this complaint is that an application has been filed by Shri Ishfaq Sidiq Pal R/o Buchoo Chadoora before PIO/PHE Department Kashmir under RTI Act 2009 seeking following information:-

1. How many candidates have applied for the post of Lab Assistant for the year 2012 selection list from Chadoora Division?
2. How many candidates were selected for the said post, provide their name and address?

3. Provide the Xerox copy of the certificates of candidates who have been selected for the said post?
4. Provide me the academic points, interview points and merit points of all the candidates applied for the said post?

The Commission received a complaint on 11.12.2013 from said Sh. Ishfaq Sidiq Pal under Section 15 of J&K RTI Act 2009 submitting that he filed an RTI application before PIO on 04.10.2013 (copy enclosed). But till date he has not received the information. He has accordingly requested the Commission to provide the information.

During proceedings in the Commission on 28.01.2014, PIO/PHE Department Kashmir, Sh. Mohammad Ayub submitted that RTI application sent to him with the notice of the Commission 19.12.2013 has been responded by him vide letter 19.08.2013. Upon perusal of the said RTI application, it was noted that information seeker has asked similar information in respect of post of Lab Technician/Computer Operator received by the CE Office on 27.07.2013. On the other hand, the RTI application enclosed with complaint dated 04.10.2013 has sought identical information in respect of Lab Assistant. PIO submitted that because of similarity of RTI queries, they were under the impression that it is the repeat of earlier application dated 27.07.2013. PIO sought one week's time for providing response and also submitted that there was no malafide intention, as it was due to oversight - RTI application being almost similar. Accordingly one week's time was granted to PIO for disposal of RTI application.

In compliance to the said directions of the Commission, Er. A.M. Lankar, Public Authority/Chief Engineer PHE Kashmir has submitted that information seeker was provided information in reference to his first RTI application dated 23.07.2013 on 29.08.2013 through registered AD. Thereafter, information seeker has sought information of similar nature vide RTI under reference which too has been provided to him on 31.01.2014 through registered post. The information enclosed with the reply of Chief Engineer reveal that the directions of the Commission have been complied with by PIO and the requisite information on all the 4 points of RTI application has been conveyed to the information seeker alongwith 21 enclosures through

registered post. With regard to the delay PIO has submitted that it is only because of the similarity of the subject in nature.

Upon perusal of the two RTI applications, the Commission has noted that information sought in two RTI applications are identical in all respects and only “Lab Technician/Computer Operator” has been replaced with “Lab Assistant” and date has been changed. It appears that this has been done to confuse the PIO as otherwise he should have sought this information also in his earlier RTI application. On the other hand, given the similarity of the 2 RTI applications, there appears to be no malafide intention on the part of PIO and therefore his explanation is accepted and no further action is warranted.

In view of above, information seeker is advised that in future he should seek such information in one RTI application so that resources of the Public Authority are not diverted which is against the spirit of the RTI Act.

With the above directions the complaint is disposed of.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the:-

1. PIO/ O/o Chief Engineer Public Health Engineering Department, Rajbagh, Srinagar.
2. Sh. Ishfaq Sidiq Pal S/o Mohammad Sidiq Pal R/o Buchroo, Chadoora.

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