



**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**  
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File No. SIC-K/SA/08/2014  
Decision No. SIC-K/SA/08/2014/31

Title: Sh. M. Hafiz Rafiquee **v/s** 1. CEO Budgam.  
(Appellant) 2. PIO, DSEK  
3. ZEO Budgam.  
(Respondents)

Present:

1. Sh. Nazir Ahmad, CEO Budgam.
2. Sh. Zahoor Ahmad Banday, PIO DSEK.
3. Sh. Farid Ahmad, ZEO Budgam.
4. Sh. M. Hafiz Rafiquee, Appellant.

**Srinagar**  
**17.03.2014**

Background of this Appeal is that Shri Mohammad Hafiz Rafiquee filed an RTI application before PIO Directorate of School Education Kashmir (DSEK) on 12.10.2013 seeking copy of the enquiry report which was conducted in the month of February 2011 and action taken/findings on his complaint reportedly submitted on 17.02.2011 and statement recorded from him on 23.03.2011. The appellant has also sought name of the contractor to whom construction work was

allotted under SSA Scheme in Govt. Housing Colony Ompura Budgam and the grounds on which it was allotted.

This RTI application has been transferred by PIO DSEK to CEO Budgam under letter dated 21.10.2013 with the directions to provide point wise information to the information seeker. CEO Budgam vide letter dated 04.11.2013 has provided information to the information seeker obtained from ZEO Budgam.

Not satisfied with the information, the appellant filed First Appeal before FAA DSEK with the request that complete information has not been provided to him by the PIO. Consequently, PIO DSEK vide letter dated 19.11.2013 directed CEO Budgam to provide point wise information/counter statement with copy to their office within five days. CEO Budgam accordingly vide letter dated 27.11.2013 provided some more communications to the appellant.

Not satisfied with the additional information provided, the appellant filed Second Appeal before the Commission 23.12.2013 with the request that he may be provided complete information under J&K RTI Act, 2009.

In his counter reply dated 17.02.2014, CEO Budgam submitted that RTI application dated 12.10.2013 was endorsed to him by PIO DSEK on 21.10.2013 and the same was forwarded to ZEO Budgam on 28.10.2013 advising him to provide requisite information to the information seeker. In response, ZEO Budgam under letter dated 02.11.2013 provided requisite information which was sent to the information seeker on 04.11.2013.

Perusal of the records reveal that following information have been provided to the information seeker initially on 04.11.2013:

- i) Report of ZEO dated 12.05.2011 addressed to CEO Budgam.
- ii) Report of AE dated 11.07.2011 in reference to letter No. 661 dated 06.07.2011 of ZEO.
- iii) Resolution/decision of Village Level Committee regarding nomination of person for construction of school building.

Thereafter, in reference to First Appeal, CEO Budgam under letter dated 27.11.2013 has provided following additional information to the information in addition to above: -

- iv) Report of DyCEO Chadoora Budgam on the subject misappropriation of funds addressed to OSD DSEK under letter dated 05.03.2011.
- v) Copy of communication of ZEO to AE SSA Budgam dated 06.07.2011 on the subject – report regarding newly constructed school building at Housing Colony Ompora.

It is therefore evident that information with regard to enquiry report, action taken and nomination of person for construction as asked in RTI application has been responded vide para (i) (iv), para (ii) (v) and para (iii) respectively.

All these documents are enclosed with the Second Appeal filed by the appellant. It is therefore obvious that information listed above was received by the appellant prior to filing of Second Appeal in the Commission.

The appellant during proceedings submitted that letter dated from ZEO to AE SSA Budgam dated 06.07.2011 seeking report was not provided to him. However on close scrutiny of the documents in the Commission it is evident that this document forms annexure 43 of the Second Appeal and therefore this information is already provided to him.

In view of above it is held that information as asked for has already been provided and received by the appellant. Accordingly appeal filed before the Commission is disposed of.

**Sd/-**  
**(Nazir Ahmad)**  
**State Information Commission**

Copy to the: -

1. CEO Budgam.
2. PIO Directorate of School Education Kashmir.
3. ZEO Budgam.
4. Shri Mohammad Hafiz Rafiquee r/o 268 Govt. Housing Colony, Budgam.

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