

Officer, Minutes of DPC meetings, photocopy of his Service Book, list of officials confirmed as Section Officer, list of Senior Assistants promoted as Head Assistants since 2004 onwards etc.

The appellant filed First Appeal before FAA/Directorate of Health Services Kashmir on 09.12.2103 stating that despite lapse of stipulated period of time, PIO DHSK has failed to provide requisite information. As no response was received by the appellant, he filed Second Appeal before the Commission on 10.01.2014 requesting the Commission to take appropriate necessary action in the matter so that requisite information is made available to him.

In response to the Second Appeal, PIO DHSK responded on 28.02.2014 by providing information comprising of 22 leaves as received from Dy. Director on 25.02.2014.

During proceedings in the Commission on 14.03.2014 appellant submitted that information provided to the PIO on 28.02.2014 is incomplete. The Commission directed appellant to give his specific response to the PIO within two weeks. Advocate Bhat Fayaz Ahmad appeared on behalf of Syed Noor-ud-Din Indrabi and submitted 3rd Party information of his client is involved. Accordingly Registry was directed to provide copy of the appeal to 3rd Party as required under Section 16(5) of the Act for filing objections within two weeks.

The appellant vide communication dated 17.03.2014 pointed out deficiencies to the PIO DHSK in the information provided on 28.02.2014 vis-à-vis RTI application filed by him.

In response to communication of the appellant referred to above, PIO DHSK has responded to the deficiencies on 27.03.2014 and enclosed information comprising of 3 pages to the appellant. The response of PIO to each point is as under: -

- 01. "Not available in this Directorate as the official has reportedly be appointed in year 1985 as Junior Assistant. This is to add here that as per Secretariat manual, the life span of a file register is only 10 years.**
- 02. Hectic efforts were made by the staff to trace out the requisite order/agenda copies but in vain. However, the minutes of meeting has been traced out by virtue of which Mr. Noor-ud-Din Andrabi among others has been promoted as Head Assistant, copy of which is enclosed herewith.**
- 03. Not traceable in this office, which may be due to renovation of this Directorate in the year 2009-2010.**
- 04. Service Book of the official is not available in this Directorate, due to the reasons that the official has been transferred/promoted as Administrative Officer, presently posted with Controller, Drugs & Food Control Organization, J&K State.**

So far as information from point No. 05 to 08 is concerned, the information stands already submitted to the PIO, DHSK via this office letter No. Est./5/RTI/Harpal/464 dated 25.02.2014. However, the applicant may please be asked to pinpoint names of officials in particular whose documents are required by the applicant".

So far as information on Point (4) is concerned, the Learned Counsel for appellant invited attention of the Commission to Section 6(3) of the J&K RTI Act, 2009, under which the PIO is required to

transfer such part of information to such Public Authority holding the information.

As per Section 6(3) of the J&K RTI Act, 2009, where an application is made to a public authority requesting for an information – which is held by another public authority, the public authority, to which such application is made, shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer. Accordingly the plea of appellant is upheld and PIO DHSK is directed to transfer Point 4 of the RTI application to PIO Office of Controller, Drugs & Food Control Organization, J&K State as per Section 6(3).

The Counsel for the appellant pointed out following deficiencies in the information provided by PIO: -

Point 5 - List of officials confirmed as Section Officer alongwith copy of order since 2004 onwards.

Point 6- List of Senior Assistants who have been promoted as Head Assistant without qualifying the Secretariat Assistants Training courses since 2004 onwards.

It is held that the information disclosed by PIO and information now ordered to be disclosed are service matters and as such are not hit by provisions of Section 8 & 11 of the Act. Accordingly PIO DHSK is directed to trace out above information in respect of Points 5 & 6 from records and provide response to the appellant within two weeks.

With the above directions, the Appeal filed before the Commission is disposed of.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the: -

1. PIO Directorate of Health Services Kashmir.
2. Shri Harpal Singh r/o Village Ichaham Tehsil Khag, District Budgam.

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