



Jammu and Kashmir State information Commission
(Constituted under The Right to Information Act, 2009)
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File No. SIC-K/SA/52/2013

Decision No SIC-K/SA/52/2013/44

Title: Shri Gh. NabiKhan,
Private Secretary
SKIMS, Soura,
Srinagar
(Appellant)

V/s FAA/PIO
SKIMS, Soura
Srinagar
(Respondents)

Present:

1. Ms Samina Shah, Sr. Administrative Officer (Policy)
2. Shri Rafiq Ahmad Dar, PIO, SKIMS,
3. Sh. Gh. Nabi Khan, Appellant.

Srinagar
29.03.2014

Background of this appeal is that Sh. Gh. Nabi Khan filed an RTI application before PIO/Law Justice & Parliamentary Affairs Department, Civil Secretariat Srinagar on 09.05.2013 seeking following information:-

“Kindly examine the records of Law Department and a Xerox copy of merit list (i.e. speed obtained by each candidate in the Trade Test i.e. shorthand/typing) may kindly be provided to me, as I happen to be one of the sufferers n the matter.”

This RTI application has been transferred to PIO SKIMS on 14.05.2013 enclosing the application of the information seeker and directed PIO SKIMS to provide the requisite information under RTI Act 2009. PIO SKIMS has sought assistance of Sr. Administrative Officer (Policy and Personnel) on 25.05.2013 requesting to provide the document as sought by the information seeker. The said information forwarded to the PIO SKIMS by Sr. Administrative Officer on 20th June 2013 enclosing 3 leaves has been conveyed by PIO SKIMS on 16.07.2013 to the information seeker stating that Sr. Administrative Officer Policy has informed that the speed obtained in shorthand and typing by the candidates who appeared for trade test could not be traced out, inspite of tremendous efforts, as such could not be made available. Instead of this, the minutes of junior selection committee comprising of 3 pages has been furnished which has been forwarded to the information seeker.

Aggrieved by the information provided by PIO SKIMS, Sh. Gh. Nabi Khan filed First Appeal before First Appellate Authority on 09.09.2013 alleging that he was surprised/shocked that the list of speed is untraceable and a fabricated list of speed has been forwarded so as to hide the facts. The appellant has further stated that though he has no solid proof to prove, yet that does not mean the officers/officials of Policy Section can hide the list of speed which means to misuse the rules and regulations of CSR/RTI Act 2009. The appellant has requested to restore his legitimate seniority based on facts.

First Appellate Authority/Director SKIMS has disposed of the First Appeal on 11.10.2013 directing Sr. Administrative Officer Policy/Personnel to provide all relevant records regarding determination of seniority of senior Stenographers

including Gh. Nabi Khan available in their record within a period of one week under provisions of RTI Act 2009.

The orders of First Appellate Authority have been complied with by PIO/SKIMS and additional information on (

6) points have been sent to the information seeker on 28.10.2013.

Aggrieved by the order of First Appellate Authority, Sh. Gh. Nabi Khan filed 2nd appeal before the Commission on 12.12.2013 contesting the information provided by PIO SKIMS and stated that he desired to send him actual list of speed obtained in trade test where he had himself qualified the said test in shorthand and typing with 80/40 speed per minute. It is alleged that Sr. Administrative Officer (Polcy) became conscious about this fraudulent matter and she deliberately mentioned this untraceable. The appellant accordingly requested the Commission to take necessary action so that actual list of speed of trade test (shorthand and typing) may be provided.

The PIO, in his counter reply stated that initially minutes of the meeting indicating speed in shorthand and typing obtained by each candidate have been provided. With regard to the speed obtained in shorthand and typing held on 08.09.1995, this could not be traced from the records. In the meantime, the appellant filed an application before the Commission stating that Director SKIMS has constituted an enquiry committee to restore his seniority dispute and as such he requested to withdraw the appeal. Accordingly PIO SKIMS was directed to apprise the Commission about the outcome of the enquiry committee.

During proceedings in the Commission today, Ms Samina Shah, Sr. Administrative Officer (Policy) produced original records pertaining to year 1995 regarding Agenda-I on the subject “release of sanctioned pay scale in favour of stenographers” and minutes of the meeting which have been provided to the information seeker. The Commission is convinced that the relevant records are diarized and numbered in chronological order and therefore, the allegation of the appellant that information was deliberately mentioned as untraceable is unfounded, moreso, when he could not produce any evidence to prove his allegation. The Commission is fully satisfied the manner in which the records have been maintained in view of the fact that it pertains to 18 years back. With regard to the status of the enquiry report, it is evident that the enquiry has been concluded and copy of the same has been provided to the information seeker on 14.03.2014.

In view of the above, it is held that the information available as per records has been provided and appeal is disposed of.

Sd/-

(Nazir Ahmed)
State Information Commissioner

Copy to the:-

1. Director & Ex-Officio Secretary to Govt. SKIMS Soura Srinagar (First Appellate Authority).
2. Public Information Officer, SKIMS, Soura Srinagar
3. Sh. Gh. Nabi Khan, Private Secretary, SKIMS, Soura, Srinagar.

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