



Jammu and Kashmir State information Commission
(Constituted under The Right to Information Act, 2009)
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Old Assembly Complex, Srinagar. 0194-2484269, 2484262
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File No. SIC/K/SA/29/2014
Decision No. SIC/K/SA/29/2014/95

Title: Mohammad Yaseen Mir v/s Executive Engineer,
Electric Division Pulwama

Present:

- Respondents: 1. Sh. Abdul Rashid Wani, SE M&RE Pulwama.
2. Sh. Mohammad Shafi Wani, Xen ED Pulwama.
- Appellants: 1. Sh. Mohammad Yaseen Mir.
2. Sh. Riyaz Ahmad Mir.

Srinagar
11.07.2014

Brief background of the case is that S/Shri Mohammad Yaseen Mir and Riyaz Ahmad Mir residents of Kalampora Pulwama have sought information under J&K RTI Act, 2009 from PIO Electric Maintenance Division Pulwama regarding sub-station installed in grave yard supplying electricity to Mokdampora & Sheikh Mohalla of village Kalampora in a format from 2010 to 2014 on 9 points i.e. date of damage, date of restoration, total number of breakdown days, work done estimate on account of restoration of the system, electric tariffs charged during the breakdown days, remission of the electric tariffs and number of registered consumers alongwith their details. This RTI application has been sent through

Registered Post addressed to Electric Maintenance Division Pulwama on 15.02.2014.

Thereafter, information seekers have approached Superintending Engineer, Electric Circle Pulwama on 20.03.2014 with First Appeal stating that despite lapse of due date neither information has not been provided nor applicants have been contacted in this regard.

Thereafter, Second Appeal has been filed before the Commission on 04.06.2014 on the ground that RTI application was submitted on 18.02.2014 enclosed with treasury receipt but despite lapse of due date no information has been provided and they approached FAA on 20.03.2014, but he too took no action till filing of Second Appeal. The appellants have requested the Commission that action under rules may be initiated against the officers responsible and PIO may be directed to furnish the information required as early as possible.

During proceedings in the Commission on 26th June 2014 Hon'ble Chief Information Commissioner observed as under: -

“The case was heard today. During the course of hearing, it was proved that PIO has failed to pass order under section within 30 days. Let PIO present himself before the Commission to explain why penalty under section 17 may not be imposed on him for not passing order within statutory period of 30 days, as provided under the Act. Similarly, the First Appellate Authority, who is stated to be Superintending Engineer, Electric Circle, Pulwama has not disposed of first appeal under section 16 of the Act, thus failed to perform duties assigned to him. Let Superintending Engineer-cum-FAA Electric Circle, Pulwama also present himself before the Commission to explain his position as to why he had not adjudicated the appeal preferred by the appellant before him.

Mr. Mohammad Ayoub, AEE, Electric Circle, Pulwama attended the Commission on behalf of PIIO, because as stated, PIO was busy in a meeting with Commissioner Secretary, Power. The PIO

to produce copy of the meeting notice issued to him from office of Commissioner/Secretary, Power. The set of information handed over to the information seeker is challenged by the information seeker, claiming that information has not been given as per RTI application proforma”.

During proceedings in the Commission today, Shri Mohammad Shafi Wani Xen Electric Division Pulwama produced copy of information provided to the information seeker under letter dated 26.06.2014 alongwith enclosures. On perusal of information it is found that the information has been compiled for the period 2010-14 as per the proforma enclosed with the RTI application, although RTI Act do not mandate creation of information as per proforma. The appellants could not explain or substantiate as to in what respect the information is incomplete. Therefore, allegation of the appellants that information is not given as per proforma is unfound.

As per the directions of the Commission, Xen/PIO produced copy of meeting notice from the office of Chief Engineer, EM&RE Kashmir directing all SE's and Xen's to attend meeting on 26th June 2014 at 11.00 am. Therefore, absence of Superintending Engineer/Executive Engineer on previous date of hearing is justified.

With regard to non-adjudication of First Appeal, Shri Abdul Rashid Wani, FAA/SE Electric Circle submitted that he has been posted on promotion as SE on 21.06.2014, and it came to his notice only after notice of hearing was issued by the Commission dated 02.07.2014.

Appellants submitted that the information has been sought to know whether there has been any remission of electricity fee during breakdown of transformers, when there was no power supply. SE/Xen submitted that representation from villagers for remission of fee during break down period is under consideration of the Deptt. and this shall be reflected in the bills of

August 2014. Xen is directed to intimate action taken in this regard to the Commission.

In so far as delay is concerned, PIO is directed to explain as to why penalty proceedings under section 17 shall not be initiated against him for delay in disposing of the RTI application within prescribed period under the Act. His explanation should reach the Commission alongwith action taken report in fee remission before 10th of August 2014.

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

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the: -

1. Superintending Engineer, EM&RE Circle Pulwama.
2. Executive Engineer, Electric Division Pulwama.
3. Sh. Mohammad Yasin Mir & Sh. Reyaz Ahmad Mir rs/o Kalampora, Pulwama.

(G.Q. Bhat)
Registrar,
J&K State Information Commission