



**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  
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File No. SIC-K/SA/36/2013  
Decision No. SIC-K/SA/36/2013/**103**

Title: Shri Shabir Ahmad Mir v/s 1. Executive Engineer  
r/o Dargali, Kupwara 2. Asstt. Executive Engineer  
(Appellant) Electric Division Awantipora  
(Respondents)

Present:

1. Shri Hashmat Qazi, Executive Engineer, ED Awantipora.
2. Shri Latief Ahmad Wani, AEE ESD Pampore.
3. Shri Mohammad Ishaq, AEE ED Awantipora.
4. Shri Shabir Ahmad Mir, Appellant.

**Srinagar**  
**07.12.2013**

The Commission received Appeal from Shri Shabir Ahmad Mir s/o Mehraj-ud-Din Mir r/o Barkat Colony Frestabal Pampore on 22.10.2013 against PIO/Assistant Executive Engineer, Electric Maintenance Sub-Division, Pampore on the ground that PIO provided incomplete and unsatisfied information in response to his RTI application and that he filed

First Appeal with the FAA but he did not provide any information within the stipulated time. The appellant has requested the Commission to direct the concerned to provide complete and correct information and also necessary action may be taken against the defaulters.

Documents brought on record reveal that an RTI application has been filed by the appellant Shri Shabir Ahmad Mir before PIO/AEE Electric Maintenance Sub Division Pampore dated 02.07.2013 seeking information on 08 queries relating primarily to list of consumers, installation numbers, agreements of load, tariff details of consumers of Frestabal Pampore for the years 2010-11, 2011-12 and 2012-July 2013.

This RTI application has been responded to by the PIO vide letter dated 27.07.2013 by informing the information seeker as under: -

**“..... information sought vide S. No. 01 to 03 by you in the aforementioned RTI application is voluminous and preparation of this information shall divert the resources of the sub-division and shall affect the routine government work. As such you are requested to visit the office of any working day between 10.00 am to 4.00 pm and inspect the records personally. Accordingly the relevant documents shall be provided to you for which the necessary charges shall have to be borne by you.**

**However in respect of S. No. 04, the information is not available in this office as the officers AEE/JE's in charge sub-division are not consumers of this sub-division.**

**In respect of item 05, the order copy is enclosed.**

- 6) Revision of load has been done strictly on the basis of actual load in use for the inspect consumers without any prejudice.**
- 7) Does not pertain to this office.**

- 8) **Yes, JE is competent enough for conducting surprise inspection of his section. As per latest government instructions, Junior Engineer has to conduct 250 inspections per week, being the head of the inspection squad (Government order copy enclosed).**

Aggrieved by the order of the PIO, the appellant filed an Appeal before FAA/Executive Engineer Electric Maintenance Division, Awantipora on 14.08.2013 but FAA has not adjudicated the First Appeal.

During proceedings in the Commission on 13.11.2013 the Commission observed as under: -

**“RTI application filed by Shabir Ahmad Mir has been responded to by the AEE, Electric Sub-Division Pampore (PIO) on 27.07.2013. Therefore RTI application has been responded to within the prescribed period by the PIO.**

.....

**Upon examination of the RTI application, it was seen that the information sought in respect of query 1 is indeed voluminous and therefore the response of the PIO is appropriate. However, in respect of query 2, PIO submitted that the tariff copy is available on the website of the Department. He is directed to intimate web address to the information seeker accordingly. However, if the information is not available on the website, query be responded accordingly.**

**Response to query 6 needs to be further elaborated.**

**With regard to query 7, PIO shall produce copy of 1<sup>st</sup> page of service book for perusal of Commission. Information sought under query 7 is of personal nature and information seeker has not justified as to what public interest shall be served by disclosing this information. Information seeker shall come up with justification if any, on the next date of hearing.**

**In query 6 the information has alleged that load has been enhanced on the basis of personal grudge. This has not been**

**qualified. The information seeker is directed to substantiate this allegation”.**

In compliance to the directions of the Commission PIO vide communication dated 16.11.2013 has submitted counter statement with copy to the appellant wherein observation of the Commission have been responded.

The appellant during hearing produced paper cutting appeared in Greater Kashmir dated May 15<sup>th</sup> 2013 titled *Service Book a Public Document under RTI Act: SIC* wherein the State Information Commission has ruled that Service Book of a government employee is a public document and every citizen has a right to get access to it. PIO Shri Latif Ahmad Wani produced letter from Chief Engineer to Commissioner Secretary to Government Power Development Department Civil Secretariat enclosing therein the Service Book of the Engineer for verification.

The appellant could not substantiate the allegation that the load has been enhanced on the basis of personal grudge as was directed by the Commission in its interim order dated 13.11.2013.

Heard parties and perused records.

Decision:

1. The Commission concurs with the order of the PIO on query 1 that information is voluminous and preparation of this information shall divert

the resources of the Sub Division. In view of this, PIO is directed to allow appellant the opportunity to inspect the records pertaining to information sought vide query 1 of the RTI application and take copy/ies of documents required by him.

2. PIO is directed to provide first page of Service Book as and when the same is received from HOD/Administrative Department.

3. It is noted that PIO has not mentioned his name on the disposal order as is required under standing Government instructions. PIO is directed to ensure to writ his name on the disposal of RTI application in future.

All other queries of RTI application has been responded to, appeal is disposed of with above directions.

**Sd/-**  
**(Nazir Ahmed)**  
**State Information Commissioner**

Copy to the: -

1. Executive Engineer, Electric Division Awantipora.
2. Assistant Executive Engineer, Electric Sub Division Pampore.
3. Assistant Executive Engineer, Electric Division Awantipora.
4. Shri Shabir Ahmad Mir s/o Mehraj-ud-Din Mir r/o Barkat Colony Frestabal Pampore.

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