



**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](http://www.jksic.nic.in)  
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File No. SIC-K/comp/54/2013  
Decision No. SIC-K/comp/54/2013/**106**

Title: Shri Arshad Aziz v/s AEE PHE Sub-Division  
s/o Late Abdul Aziz Bijbehara. **(Respondent)**  
r/o Khiram Anantnag  
**(Complainant)**

Present:

1. Shri Mushtaq Ahmad Bhat, PIO/AEE.
2. Shri Arshad Aziz, complainant.

**Srinagar**  
**11.12.2013**

The Commission received a complaint on 24.09.2013 from Shri Arshad Aziz s/o Late Abdul Aziz r/o Khiram District Anantnag against Assistant Executive Engineer (AEE) PHE Sub Division Bijbehara for not providing information within the prescribed time.

Records enclosed with the complaint reveal that an RTI application has been filed by the information seeker before PIO/AEE PHE Sub Division Bijbehara on 17.04.2013 alongwith fee in the shape of Treasury Receipt of Rs. 50/-, seeking information on 7 queries

primarily relating to Schemes/procurement/material details/bills/contractors etc. of PHE Sub-Division for period 2009-2012.

During proceedings in the Commission on 06.11.2013, Shri Mushtaq Ahmad Bhat, AEE/PIO submitted that he has joined as AEE in the Sub Division on 14.10.2013 and that he came to know about the pendency of the RTI application upon receipt of notice of the Commission on 30.10.2013. PIO was accordingly directed to respond to the RTI application of the complainant within 10 days and submit a compliance report to the Commission.

In compliance to the orders of the Commission, PIO vide letter dated 12.11.2013 enclosed order passed by him dated 09.11.2013 as under: -

**“The information sought under S. No. 1, 2 & 3 is general in nature and shall serve no purpose other than disproportionately diverting the resources of the public authority as no specific period for which information has been sought is mentioned. The contents of application at said S. Nos reflect your intentions of misusing the otherwise public friendly Act. Moreover engaging the Govt. men and machinery in such unwanted activities shall add to the grievances of general public since PHE Department comes under the ambit of ‘Essential Service. However, if you desire to go through the records, you may please present yourself in person in the offices of ‘Executive Engineer PHE Division Bijbehara’.**

**The information sought under S. Nos 4, 5 & 6 is enclosed as the same pertains to a particular period”.**

**During hearing today on 11<sup>th</sup> November 2013, complainant submitted that he has received the information from the PIO as per the directions of the Commission”.**

During hearing in the Commission today on 11<sup>th</sup> December 2013, the information seeker admitted to have received the information from the PIO/AEE and expressed his satisfaction to the response of PIO.

It is observed that mode of payment of fee enclosed with the RTI application is not in accordance with Rule 3 of J&K RTI Rules 2012 therefore the request for information is not in accordance with Section 6 of the Act.

In view of above no further action is warranted and complaint is disposed of.

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

Copy to the: -

1. Assistant Executive Engineer (AEE) PHE Sub Division Bijbehara.
2. Shri Arshad Aziz s/o Late Abdul Aziz r/o Khiram District Anantnag.

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