



**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  
\*\*\*\*\*

File No: SIC-K/SA/49/2012  
Decision No: SIC-K/SA/49/2012/**36**

Title: Sh. Kafeel Ahmad Dar v/s ADC Baramulla,  
(Complainant) (Respondent)

Present: 1. Sh. M.A. Qadri, ADC Baramulla  
2. Sh. Farooq Ahmad Shah, ACR Baramulla.  
2. Sh. Kafeel Ahmad Dar (complainant)

**Srinagar**  
**18.04.2013**

The Commission received a complaint on 30.03.2013 from Shri Kafeel Ahmad Dar stating that appeal filed by him has not been disposed of by the Additional Deputy Commissioner, Baramulla and that he did not give him an opportunity of being heard as per directions of Commission vide No. SIC/K/SA/49/2012 dated 27.12.2012. He has therefore requested the Commission to take necessary action against ADC Baramulla and also information be provided to him without further delay.

Evidence brought on record reveals that Second Appeal was filed before the Commission by the appellant on 27.11.2012. In reply to notice of the Commission dated 04.12.2012, FAA/ADC Baramulla submitted vide letter 08.12.2012 that his office has not received the appeal as stated by the appellant in his second appeal. He has therefore stated that in absence of an appeal, no action could be taken. Shri Farooq Ahmad, ACR Baramulla (PIO) also submitted in his reply dated 08.12.2012 that the RTI under reference was filed before Deputy Commissioner

Baramulla who endorsed the same to Joint Director Planning, Baramulla and the information in this regard have been furnished by the District Project Coordinator ZLSS (SBM) Baramulla. He has therefore pleaded that for this case, District Project Coordinator ZLSS is the PIO.

In view of above submission, District Project Coordinator ZLSS Baramulla who has responded to the RTI application is deemed as PIO.

During hearing today on 18.04.2013 Shri M.A. Qadri ADC Baramulla appeared before the Commission and submitted that he has not received the communication of the Commission dated 27.12.2012. ADC further submitted that regarding Total Literacy Campaign (TLC) matters, Assistant Director Planning in the office of District Statistical Evaluation Officer Baramulla is designated PIO whileas Joint Director Planning in the office of Development Commissioner Baramulla, is designated FAA. A copy of order No. 01 of 2012 dated 29.12.2012 issued by Deputy Commissioner Baramulla is taken on record. As RTI application under reference pertains to TLC campaign, JD Planning Office of Development Commissioner Baramulla is the appropriate FAA and should adjudicate this appeal.

In view of the statement made by ADC and ACR Baramulla and on the basis of order passed by DC Baramulla dated 29.12.2012 regarding appointment of FAA and PIO for matter pertaining to the present application, JD Planning Office of Development Commissioner Baramulla is directed to dispose of the appeal as per section 16 of the RTI Act after giving an opportunity of being heard to the appellant. Since documents enclosed with the communication of the Commission dated 27.12.2012 remitting back the case to FAA, have reportedly not been received by them, a set of these documents is handed over to the concerned official for its delivery to Joint Director/FAA. JD/FAA is directed to dispose of the appeal within two weeks under section 16 of the Act and send a compliance report to the Commission.

Sd/-  
(Nazir Ahmed)  
State Information Commissioner

Copy to the: -

1. Shri M.A. Qadri, ADC Baramulla.
2. Joint Director Planning, Office of Deputy Commissioner, Baramulla.
3. Assistant Commissioner Baramulla.
4. Shri Kafeel Ahmad Dar r/o Kralpora Block Kunzer, Tehsil Pattan, Baramulla.

(Mohammad Shafi)  
Assistant Registrar,  
J&K State Information Commission