



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/Comp/14/2013
Decision No: SIC/K/Comp/14/2013/**44**

Title: Shri Mohd. Rafiq Check, v/s BDO Uri
S/o Gh. Mohd. Check, **(Respondent)**
R/o Garkote, Uri.
(Complainant)

Present: Shri Shafqat Hussain, BDO Uri.

Srinagar
14.05.2013

The Commission received a complaint on 12.03.2013 from Shri Mohammad Rafiq Check s/o G. Mohd. Check r/o Garkote Uri, District Baramulla under Section 15 of the J&K RTI Act, 2009 for alleged not providing information within due time and has requested for taking legal action against the PIO and providing compensation to the applicant as per law.

The complainant vide RTI application dated 17.01.2013 had sought following information from BDO Uri: -

“Detailed list of AAY Kota/All Works under MGNREGA of Pachayat Halqa Garkote “A” from the year 2011-2012”.

In response to the notice of the Commission, PIO/BDO Uri Shri Shafqat Hussain appeared before the Commission today and submitted that RTI

application has been disposed of on 06.05.2013 and information sent through Registered Post. The complainant was contacted on mobile No. 9797818684 by the Personnel Section of the Commission and he acknowledged to have received the said information.

In response to the notice of the Commission for non-appearance on 24.04.2013, BDO submitted that he did not receive the notice on time and on the date of hearing when he was contacted on phone by the Commission, he was far away from his Headquarter and it was not possible to reach Srinagar during office hours. Since BDO appeared today, his explanation is accepted and proceedings for non-appearance are dropped.

Regarding delay in disposing of the RTI application, BDO submitted that the information seeker not only wanted information for the financial year 2011-12 but also asked for information for year 2012-13, which information was not fully available on the date of filing of RTI application as financial year was not yet over. The complainant has however not mentioned having sought further information either in his complaint or in any other communication to the Commission which would substantiate the plea of PIO. BDO requested that he may be given some time to produce evidence in this regard, and therefore, two weeks time is granted to BDO Uri to file reply/explanation.

Since complainant was not present, it could not be ascertained if he is fully satisfied with the information. Therefore the complainant may file First Appeal, if he is aggrieved by the order of the PIO. Since complaint filed by the complainant has been adjudicated by the Commission today, FAA office of the ACD Baramulla is directed to entertain First Appeal, if filed, within two weeks of issue of his order by condoning the intervening delay.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the: -

1. Shri Shafqat Hussain, BDO Uri.
2. Shri Mohammad Rafiq Check s/o Gh. Mohd. Check, r/o Garkote, Uri Baramulla.

(Mohammad Sayed Shah)
Registrar,
J&K State Information Commission