



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/25/2013
Decision No: SIC-K/Comp/25/2013/**50**

Title: Sh. Nasir Hussain Bhat, v/s PIO/Xen UEED, Srinagar
s/o Ab. Rahid Bhat
(Complainant) **(Respondent)**

Present: 1. Shri J.K. Sharma, Xen UEED, Srinagar.
2. Shri Nasir Hussain Bhat } Complainants.
3. Shri Manzoor Ahmad Naikoo }

Srinagar
03.06.2013

The Commission received a complaint on 14.05.2013 from Shri Nasir Hussain Bhat s/o Ab. Rahid Bhat r/o Gawkadal Mandhir Bagh, Srinagar and Shri Manzoor Ahmad Naikoo r/o Marhama Sangam Anantnag against PIO/APIO UEED for not providing information within stipulated time. The complainants have submitted that RTI application was received by the APIO Office of Chief Engineer UEED Kashmir on 09.04.2013 (who also happens to be PA to Chief Engineer UEED Kashmir).

RTI application enclosed with the complaint reveal that the complainants have sought following information from PIO/APIO UEED Kashmir: -

1. Details of tenure spent by Chief Engineer UEED, Accounts Officer, Executive Engineer S&D Division 1st, PA to Chief Engineer UEED and Draftsmen at Jammu from Nov. 2012 to ending March 2013.
2. Copy of Govt. order/Chief Engineer order against each tenure with regard to 1.
3. Details of withdrawal of TA against each officer/officials with regard to 1.
4. Providing of number of dispatches made during Nov. 2012 to ending March 2013 at so called Camp Office Jammu.
5. Providing of details of every dispatch No. with regard to 4.
6. Providing of supportive dispatch evidence with regard to 4 & 5.
7. Copy of communication/s with Divisional Commissioner and District Administration with regard to 1. As per the circulars issued by the Divisional Commission Kashmir from time to time.
8. Perusal of Audit Report 2012-2013 with regard to direction office and S&D Division 1st.
9. Perusal of so called camp dispatch Register.
10. Latest Govt./Chief Engineer UEED's transfer order regarding technical section of Direction office & Divisional Office (S&D Division 1st UEED).

Perusal of the RTI application reveal that the RTI application has been received by PA to CE UEED Kashmir who is also APIO.

Shri J.K. Sharma, Executive Engineer, S&D Division 1st Srinagar appeared in the Commission and submitted that the RTI application under reference has not been put to him and that he has no knowledge about the case.

The complainant produced copy of order No. 71 of 2013 dated 29.03.2013 whereunder it has been ordered that 'upon attaining age of superannuation by Mr. Rafiq Ahmad Bhat, Accounts Officer, who was also holding the charge of Deputy Director, Planning and Public Information Officer, without posting of the substitute officer to this office, this office has no option but to entrust the charges held by him to the senior most Gazetted officer of this Department. Accordingly it is hereby ordered that Shri J.K. Sharma, Executive Engineer, S&D Division 1st Srinagar, shall take over the charges held by the retiring officer on 31.3.2013 in addition to his own duties till substitutes are posted to this department'.

It is clear from above, that Shri J.K. Sharma, Xen is the PIO after superannuation of the then Accounts Officer.

In view of above following directions are issued: -

- 1) Designated PIO Office of Chief Engineer UEED Kashmir (Xen S&D Division 1st Srinagar) is directed to dispose of the RTI application pending before him expeditiously but not later than 15 days from pronouncement of this order and send compliance report to the Commission.
- 2) Since RTI application has been received APIO Shri Mohammad Ashraf Bhat (who is also PA to CE UEED Kashmir), and as per statement of Xen (PIO) this application has not been transferred to him; therefore Shri Mohammad Ashraf Bhat APIO shall explain as to why penalty shall not be imposed on him for delay in transferring the RTI application to the designated PIO within period specified under J&K RTI Act, 2009. His reply should reach the Commission within 15 days from pronouncement of this order.

Since the RTI application has not been disposed within period stipulated under the Act, the complainants are entitled to information free of cost.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the: -

1. Chief Engineer UEED Kashmir.
2. Executive Engineer S&D Division 1st UEED, Srinagar.
3. Shri Nasir Hussain Bhat s/o Ab. Rahid Bhat r/o Gawkadal Mandhir Bagh, Srinagar.

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