



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/07/2013
Decision No: SIC-K/SA/07/2013/52

Title: Shri Mohammad Sharief Mir v/s PIO/Deputy Director
r/o Kadlabal, Pampore Urban Local Bodies Kashmir
(Appellant) **(Respondent)**

Present: 1. Shri Bashir Ahmad, Deputy Director Urban Local Bodies Kashmir.
2. Shri Mohammad Ismayeel Mir, Executive Officer, MC Pampore.
3. Shri Mohammad Sharief Mir, Appellant.

Srinagar
05.06.2013

This is the Second Appeal filed by Shri Mohammad Sharief Mir r/o Kadlabal, Pampore on 03.04.2013 against Public Information Officer, Directorate of Urban Local Bodies (DULB) Kashmir stating that the desired information has not been provided to him by the PIO in response to RTI application dated 24.12.2012.

Records enclosed with the appeal reveal that appellant vide RTI application dated 24.12.2012 has sought following information from PIO DULB Kashmir: -

1. **“That a letter was submitted on 22.09.2006 by Vigilance Organization in which your goodself was requested to take action as per law, the copy is**

annexed herewith as Annexure "A". But the file was on your table till 2011. That in this regard your goodself issued order against Administrator and Executive Officer, Municipal Committee Pampore copy of the same may be provided as per RTI Act.

2. That regarding the above the Executive Officer, MC Pampore has submitted his report on 29.09.2011, copy of which is annexed as Annexure 'B'. That the said report clearly define that the Administrator and Ex. Officer, MC Pampore is using the dignities illegally, for their self interests. Also, the officials posted at MC Pampore have also used their dignities illegally against the above said job. That on which order your goodself stopped to take action against the above two officials and information may be sought in this regard also.

This was responded to by the PIO/Deputy Director DULB Kashmir vide letter 12.01.2013 by pointing out to the information seeker that 'the averments of your application are not clear, as such you are requested to ask for the specific information, to avoid the inconvenience'.

Therefore initially the RTI application has been disposed of within time.

The appellant responded to the letter of the PIO vide communication dated 15.01.2013 clarifying as under: -

"Copy of order issued against Administrator and Executive Officer Municipal Committee Pampore in view of letter No. SVO-Munci-G-32/06/11720 dated 22.09.2006 of Vigilance Organization Srinagar copy of same has already been enclosed with RTI application as Annexure A".

As no response was received, the appellant filed First Appeal with the FAA on 23.02.2013 against PIO, DULB Kashmir stating that no information or record has been provided to him by the PIO in response to his RTI application and has

therefore requested FAA to provide requisite information under RTI as requested for in the RTI application.

FAA/Director Urban Local Bodies Kashmir adjudicated the First Appeal vide Order dated 20.03.2013, relevant extracts which are reproduced as under: -

“Information seeker seems to be aggrieved of construction of the boundary wall and bath room by one Shri Mukhtar Ahmad as per the site plan issued by the Municipal Committee Pampore way back in the year 2002 vide No. MC/P/BP/901 of 2002 dated 17.06.2002 and is pursuing for action taken in connection with the communication of State Vigilance Organization issued under NO. SVO-Munci-G-32/06-11720 dated 22.09.2006, which is not forthcoming from the official records of the Directorate.

Since, the matter of construction of Boundary wall and Bath room has been carried out against the proper permission issued by the Municipal Committee Pampore in the year 2002 vide No. MC/P/BP/901 of 2002 dated 17.06.2002 and the space from the time its construction, is as such under the possession of Shri Mukhtar Ahmad as found from the perusal of the communication of the Executive Officer MC Pampore vide No. MCP/11-12/567 dated 29.09.2011.

Although the matter is more than 10 years old, however, appropriate action at the level of Municipal Committee Pampore needs to be taken after visiting the spot in light of the position born out official records/revenue records in consultation with the concerned Revenue authorities/parties.

The appeal of the appellant is disposed of with the observation that the PIO, Directorate of ULB Kashmir shall communicate the factual position to the information seeker in the matter as per available records, under relevant provisions of Right to Information Act, 2009”.

In compliance to the orders of FAA, Shri Bashir Ahmad, PIO/Deputy Director DULB Kashmir has informed the appellant vide letter dated 23.03.20113 that the copy of letter from Vigilance Organization bearing No. SVO-Munci-G-32/06-11720 dated 22.09.2006, although is not forthcoming from the records, however, the Director in the capacity of 1st Appellate Authority asked the Executive Officer Municipal Committee Pampore to take the appropriate action in the subject matter after visiting the spot in light of the position borne out of the official/revenue records and also in consultation with the Revenue records and also in consultation with the Revenue authorities/parties. PIO has further stated that no orders have been issued by him against the Administrator and Executive Officer of Municipal Committee Pampore at any occasion, except for asking them to provide information directly to the applicant vide No. DULB/G/1114/III/5798-99 dated 24.08.2011, which information has been provided to you by the PIO Municipal Committee Pampore.

During hearing on 07.05.2013, the appellant submitted that he will produce copy of order issued by Director Local Bodies as referred to in his RTI application and 10 days time was granted on his request. Consequently appellant produced 3 documents obtained from Vigilance Organization through medium of RTI Act on the subject 'complaint against officers / officials of Municipal Committee Pampore', but nowhere reference of Vigilance Organization' dated 22.09.2006 or any order having been issued by the Director Local Bodies are mentioned in these documents.

Perused records and heard parties:

Under para 1 of the RTI application, the information seeker has sought copy of order issued by Director Local Bodies against Administrator and Executive

Officer, Municipal Committee Pampore in reference to letter of Vigilance Organization dated 22.09.2006; further stating that file was on your table till 2011. However the period during which such order was issued is not given, which would enable PIO trace records. On being asked to specify likely period during which Director issued such order, the appellant submitted that the order was issued in the year 2011.

In view of above PIO/DD DULB Kashmir is directed to go through relevant records pertaining to this case during 2011 and provide copy of any order having been issued by the DULB Kashmir in reference to communication of the Vigilance Organization dated 22.09.2006. In case no such order has been issued as per records, PIO shall inform the appellant accordingly under intimation to the Commission within two weeks from issue of this order.

So far as para 2 of the RTI application is concerned, it is an allegation and grievance which is outside the purview of the RTI and for this purpose appellant should approach appropriate authorities.

Appeal is accordingly disposed of with above directions.

sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the: -

1. Director Urban Local Bodies Kashmir.
2. Deputy Director Urban Local Bodies Kashmir.
3. Executive Officer, Municipal Committee Pampore.
4. Shri Mohammad Sharief Mir s/o Gul Mir r/o Kadlabal Pampore.

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