



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/13/2013
Decision No: SIC-K/SA/13/2013/**53**

Title: Shri R.L. Kaith v/s PIO
r/o Krishna Nagar, Jammu University of Kashmir
(Appellant) (Respondent)

Present: 1. Ms. Asmat Kawoosa, Deputy Registrar/FAA University of Kashmir.
2. Shri Abdul Rashid Sofi, Asstt. Registrar/PIO University of Kashmir.
3. Shri Gh. Mohd. Ganaie, Asstt. Registrar, General Administration,
University of Kashmir.

Srinagar
06.06.2013

The Commission received Second Appeal from Shri R.L. Kaith, RTI Applicant, r/o L-4/H-132-Krishna Nagar, Jammu on 25.03.2013 at its Jammu office. Since the case pertained to Kashmir Wing of the Commission, the same was transferred and received at Srinagar on 06.05.2013.

The appellant has submitted that vide RTI application dated 14.11.2012 he requested the PIO University of Kashmir to intimate whether SRO-42 notified through notification issued by the Commissioner/Secretary, Finance, Government of Jammu and Kashmir under endorsement No. a/87(09)-138 dated 02.02.2011

stands implemented by the University of Kashmir or not. As no response was received, he preferred an Appeal on 24.01.2013 and requested the FAA to kindly get the information disclosed by the PIO at an early date. This appeal was adjudicated by FAA on 18.02.2013 directing the PIO to provide a detailed report regarding instant case within three (3) days. The complainant has alleged that inspite of lapse of more than one month, the information so sought has not so far been provided to him. Therefore he is constrained to approach the Information Commission with an appeal to kindly direct the FAA to get the information disclosed by the PIO and provide to him.

In response to Second Appeal, PIO University of Kashmir has submitted as under: -

1. that the applicant submitted is RTI application dated 14.11.2012 through speed post which was received by the University PIO Office on 17.11.2012;
2. That the University PIO straight way forwarded a copy of the said RTI application to concerned office/officer (i.e., Assistant Registrar – General Administration) on 20.11.2012 without contemplating the basic issue which related to non-entertainability of the application of the information seeker under RTI Act.
3. That the information sought by the applicant virtually did not fall within the ambit of term information as reflected in definition clause (D) under section 2 of the RTI Act.
4. That during the deliberations it was notice that the RTI application of the information seeker was actually entertainable as per the foresaid definition clause (D) of section 2 of the RTI Act read with Supreme Court Ruling passed on the subject.
5. That pursuant to appeal filed before FAA on 24.01.2013, the FAA sought a detailed report from the University PIO vide communication dated

18.02.2012 which was accordingly furnished to her on 20.02.2013 in terms of reporting made at item 1-7 above.

6. That after taking note of the aforesaid position of the case, the FAA called the PIO in person and although, upheld his stand regarding the non-entertainability of the RTI application, yet she verbally as well in writing directed the PI to arrange the required information for the applicant in the wake of his having entertained the RTI application of the applicant.
7. That the concerned office/officer finally arranged the required information which was delivered to the applicant by Registered Post on 03.04.2013.

During hearing in the Commission PIO University of Kashmir submitted that information has been sent through Registered post on 03.04.2013. It is thus apparent that order passed by the FAA University of Kashmir have been implemented by the PIO before registration of Second Appeal in the Commission on 06.05.2013.

Since FAA has not made any reference to the Commission as was required under section 16(3) of the J&K RTI Act, 2009, the appeal filed before the Commission is disposed of.

sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the: -

1. Deputy Registrar, University of Kashmir.
2. Assistant Registrar, General Administration, University of Kashmir.
3. Assistant Registrar/Public Information Officer, University of Kashmir.

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