



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/11/2013
Decision No: SIC-K/SA/11/2013/54

Title: Sh. Mohd. Yousuf Dar, v/s CEO Budgam.
S/o Abdul Gani Dar (Respondent)
(Appellant)

Present: 1. Mrs. Suraya, Joint Director (Representing FAA).
2. Shri Nazir Ahmad, CEO Budgam (PIO).
3. Shri Mohammad Yousuf Dar, Appellant.
4. Shri Ali Mohammad Dar, Rep. of Appellant.

Srinagar
27.06.2013

This is a Second Appeal filed by Shri Mohammad Yousuf Dar s/o Abdul Gani Dar r/o Kulhama Khansahib, Budgam against PIO/CEO Budgam on the grounds that he submitted an RTI application before CEO Budgam which was received CEO on 04.01.2013. That in response to the said application, ZEO Hardpanzoo vide letter dated 02.02.2013 provided the information pertaining to only para No. 5 which is without attestation/authentication; further stating that information regarding para 1 to 4 pertains to CEO Budgam. That the CEO Budgam vide letter dated 05.02.2013 provided some information which is not as per the information asked for and following information have not been provided:

- I) That the PIO was asked as to what action is taken on the letter of SSP Crime Branch Kashmir dated 08.09.2012, but CEO Budgam has kept silent upon this information.
- II) In para 3(a) of the RTI application, ReT Teachers appointment orders of 3 Teachers have been asked but the CEO Budgam has provided appointment order of only two ReT Teachers and the appointment order of 3rd ReT Teacher namely Fayaz Ahmad Malik has not been provided deliberately with the intention to conceal facts.
- III) In para 4, the CEO Budgam was asked to provide copy of court order under which teacher Bashir Ahmad Bhat is drawing his salary, copy of this order was not provided.

Brief facts of the case are that the appellant filed an RTI application on 04.01.2013 before PIO/CEO Budgam seeking following information:

1. "Please intimate action taken upon the letter No. CBK/Misc/35-11/9895-96 dated 08.09.2012 of SSP Crime Branch Kashmir for initiation of Departmental proceedings against Fayaz Ahmad Malik and Altaf Hussain Bhat of Zone Hadpanzoo for managing their appointment as Teachers on fake certificate.
2. Copy of letter No. CEOB/12/IMW/11290 dated 11.07.2012 and copy of letters which SSP Crime has written so far against these two teachers.
3. Copies of appointment as ReT.
4. Copies of approval of general line teachers.
5. Copies of formal orders as general line teachers of Altaf Hussain Bhat, Bashmir Ahmad Bhat, Fayaz Ahmad Malik and Ab. Latief Khan of Zone Hardpanzoo.
6. Copy of court order regarding drawing of pay of Bashir Ahmad Bhat, Teacher.
7. Since it has been established from the correspondences that teachers Altaf Hussain Bhat, Bashir Ahmad Bhat and Fayaz Ahmad Malik have managed their appointment on fake (10+2) certificates, kindly provide the details of salaries which they have drawn from the Govt. treasury from the date of appointment till December 2012 as per proforma:

The appellant filed First Appeal before FAA Directorate of School Education Kashmir on 16.02.2013 on the grounds that information sought has not been provided to him till date of filing of First Appeal. This appeal has been disposed of by the FAA/Director School Education Kashmir on 09.03.2013 as under: -

“The information seeker has filed an appeal before the FAA (Director School Education Kashmir) wherein he has alleged that the Public Information Officer (Chief Education Officer Budgam) has not provided information in response to his application dated 04.01.2013.

The PIO, Chief Education Officer Budgam was advised vide No. DESK/OSD/IMW/RTI/F-363/11594-95 dated 19.02.2013 for providing the information/counter statement to the information seeker under intimation to this office.

The PIO, Chief Education Officer, Budgam vide No. CEOB/IMW/13/33187 dated 26.02.2013 reports that the information was provided to the information seeker vide No. CEOB/IMW/RTI/32231 dated 05.02.2013 (copy enclosed). The information furnished by Chief Education Officer Budgam (PIO) is routed to the information seeker under RTI Act”.

Not satisfied with the disposal of the FAA, the appellant filed Second Appeal before the Commission on 05.04.2013. Second Appeal was examined in the Commission and some deficiencies were noted which were conveyed to the appellant on 17.04.2013. These deficiencies were completed by the appellant on 01.05.2013 and accordingly appeal was admitted on 03.05.2013.

In response to the notice of the Commission seeking reply/counter statement on the appeal, Shri Nazir Ahmad Dar, PIO/CEO Budgam has responded to queries raised in the Second Appeal as under: -

- 1. “It is stated that the action taken report in the light of SSP Crime Kashmir, No. CBK/Misc/35-11/9895-96 dated 08.09.2012, is lying with Director School Education Kashmir awaiting further necessary instruction from his end.**
- 2. Xerox copies enclosed (04 enclosures).**
- 3. Xerox copies of engagement as RET’s/Appointment Orders as General Line Teachers of all the four enclosed (08 enclosures).**
- 4. Copy enclosed (03).**
- 5. Authenticated copies of information enclosed (10 leaves)”.**

Appellant admitted to have received these documents enclosed with the counter statement of CEO Budgam dated 14.05.2013.

Heard both the parties and perused records.

RTI application filed on 04.01.2013 addressed to CEO Budgam has been transferred to ZEO Hardapanzoo who has provided information in respect of S. No. 5 of the RTI application, further informing that information pertaining to S. Nos. 1-4 pertains to CEO's office. This communication has been marked to information seeker who has admitted to have received this information. Subsequently, CEO Budgam has disposed of the RTI application on 05.02.2013 by providing requisite information i.e., Xerox copy of letter No. CEOB/12/IMW/11290 dated 11.07.2012, copy of letters from SSP, appointment order and regularization order. It is therefore evident RTI application has been disposed of within prescribed period including period of transfer of 5 days.

The Commission has noted that issues raised in the Second Appeal have been responded to by PIO/CEO Budgam by providing requisite information except following:

Under Para 3 of counter statement dated 14.05.2013, CEO Budgam has stated that action taken report on letter of the SSP Crime Branch Kashmir dated 08.09.2012, is lying with Director School Education Kashmir awaiting further necessary instructions from his end. However, neither this limb of query has been transferred to PIO Directorate of School Education Kashmir by the CEO Budgam nor any document in this regard have been provided to the appellant. Joint Director, Directorate of School Education Kashmir also did not produce any document regarding action taken report on the said letter of SSP Crime Branch.

Perusal of letter No. CBK/Misc/35-11/9895-96 dated 08.09.2012 from SSP Crime Branch Kashmir reveal that it is addressed to CEO Budgam on the subject "initiation of departmental proceedings against Fayaz Ahmad Malik and Altaf Hussain Bhat for managing their appointment on fake certificates" and copy of the same has been marked to Director School Education Kashmir in reference to his letter No. DSEK/OSD/IMW/F-2230/Part-III/65-66 dated 10.01.2012. Therefore Director School Education Kashmir is expected to initiate some action on this letter as a matter of routine.

In view of the above PIO Directorate of School Education Kashmir/CEO Budgam are directed to intimate to the appellant action taken on the letter of SSP Crime Branch Kashmir dated 08.09.2012, as per records, within one week from issue of this order. A compliance report in this regard be sent to the Commission.

The appellant submitted and pointed out that documents provided by the PIO have not been authenticated/attested.

CEO Budgam is accordingly directed to authenticate/attest documents provided by him to the appellant, within one week from issue of this order.

The appeal is disposed of with the above directions.

Announced in open court.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the: -

1. Director School Education Kashmir.
2. Chief Education Officer, Budgam.
3. Sh. Mohammad Yousu Dar s/o Haji Abdul Gani Dar r/o Kullhama Tehsil Khansahab, Budgam.

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