



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/21/2013
Decision No. SIC/K/SA/21/2013/74

Title:- Shri Muneer Ahmad
S/o Mohd Latief Khan
R/o Village Uranbuha Boniyar
(Appellant)

V/s 1. SDM Uri
2. Tehsildar Boniyar
(Respondents)

Present:- 1. Dr. Abdul Aziz, SDM Uri.
2. Sh. Manzoor Ahmad, Tehsildar Boniyar.
3. Sh. Muneer Ahmad, Appellant

Srinagar
25.09.2013

The Second Appeal was earlier heard on 29.07.2013 and in the interim order vide No. SIC-K/SA/21/2013 dated 12.08.2013 following directions were issued:-

“As the First Appeal has been adjudicated by the FAA without hearing appellant, although notified by the FAA, natural justice demands that FAA provide appellant an opportunity of being heard and thereafter pass an appropriate order either in supersession or in continuation to his earlier order dated 16.05.2013. Appellant be informed on his mobile number or through process server as per rules.”

Since Tehsildar Boniyar did not appear before the Commission, Registry to issue notice to him seeking his explanation as to why he should not be fined for his non appearance and disregard to the notice of the Commission.....”

During hearing in the Commission on 25.09.2013 SDM Uri Dr. Abdul Aziz submitted that as per directions of the Additional Deputy Commissioner Baramulla (Ist Appellate Authority) dated 03.09.2013, the appellant was provided information comprising of 21 pages on 21.09.2013 after payment of photo copying charges by him. The appellant admitted to have received the said information, but submitted that query 5 of the RTI application seeking photo copy of pay acquittance roll details of all the Zamindars to whom payment has been made w.e.f. 01.01.2006 to till date (only for the village Rampur, Uranbhua, Chandanwari and Mohara of Tehsil Boniyar and Tehsil Uri) have not been provided. SDM Uri submitted that they have provided information in respect of payments made to the villages/villagers for widening of National Highway (Baramulla-Uri) as Annexure A in the format as asked for by information seeker. SDM further submitted that this information has been prepared on the basis of acquittance roll and it was certified by the SDM. As regards photo copy of pay acquittance roll sought by the appellant vide query 5, the Commission observed that information seeker has not specified details of job/work/subject to which these payments pertain.

With regard to query 8, total funds deposited and funds disbursed in respect of villages specified in the RTI application has been provided. However, appellant pointed out that the second limb of this query seeking details separately for each and every village have not been given. SDM Uri submitted that the charge of collector is with ADC Baramulla and records are under transfer. Therefore, directions are issued to ADC Baramulla (Collector Land Acquisition Uri) and also SDM Uri to respond to this limb of query within two weeks from issue of this order either by providing information or informing the applicant that such information is not available as per records. The information seeker is entitled to this information free of cost as RTI application has not been disposed of within prescribed time. This should be sent through registered post as requested by appellant. A compliance report in this regard be submitted to Commission.

Tehsildar Boniyar Sh. Manzoor Ahmad appeared and submitted his written explanation with regard to his non appearance in the Commission on the previous date of hearing – stating that he was transferred to Tehsil Boniyar on the very day of hearing and was not aware about the case. This explanation is deemed as justified and further proceeding in the case are dropped.

The second appeal is accordingly disposed of with above directions.

Sd/-

(Nazir Ahmed)
State Information Commissioner

Copy to the:-

1. Additional Dy. Commissioner Baramulla.
2. SDM Uri.
3. Tehsildar Boniyar.
4. Shri Muneer Ahmad S/o Mohd. Latief Khan R/o Village Uranbuha, Boniyar.

(G.Q. Bhat)
Registrar,
J&k State Information Commission