



Jammu and Kashmir State information Commission
(Constituted under The Right to Information Act, 2009)
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Old Assembly Complex, Srinagar. 0194-2484269, 2484262
www.jksic.nic.in

File No: SIC/K/Comp/42/2013
Decision No: SIC/K/Comp/42/2013/79

Title: Shri Ab. Rehman Qureshi v/s 1. BDO Teetwal
S/o Qazi Mohammad Yaqoob (Respondent)
R/o Chanh Kote Karnah
(Complainant)

Present: 1. Sh. Ab. Rashid, BDO Teetwal.
2. Sh. D.P. Singh, BDO Sogam, representative of FAA
3. Sh. Ab. Rehman Qureshi, Complainant.

Srinagar
08.10.2013

The Commission has received a complaint on 18.07.2013 from one Sh. Ab. Rehman Qureshi S/o Qazi Mohammad Yaqoob R/o Karnah District Kupwara stating that he moved an application under RTI Act 2009 on 25.04.2013 before SDM Karnah seeking information about developmental works accomplished through Block Teetwal pertaining to Halqa Chamkote, but the information was not provided within the stipulated period. Further submitting that he approached D.C. Kupwara through an application on 30.05.2013 who marked this application to ADC. This application is also presented under the RTI Act. In the light of above he has prayed before the Commission to direct concerned provide requisite information and also requested the Commission to take action against delinquent officials as admissible under the Act.

Records enclosed with the complaint reveal that the complainant has filed an application on 25.04.2013 under RTI Act before SDM Sub Division Karnah which has been marked by SDM to BDO Teetwal on the same date i.e. 25.04.2013 with the following directions:-

“Issue information as required under rules”.

This RTI application has been received by the office of BDO Teetwal on 26.06.2013. So far as other application moved to D.C. Kupwara is concerned, it is only a reminder to D.C. Kuwara regarding RTI application filed before SDM Sub Division Karnah as referred to above. Therefore, Commission takes cognizance of the RTI application dated 25.04.2013 marked by SDM to BDO Teetwal so far as this complaint is concerned.

Sh. Ab. Rashid presently BDO Teetwal submitted before the Commission that he has joined in the month of July 2013. BDO Submitted that the complainant Sh. Ab. Rehman approached him regarding this RTI application and only then he came to know that it was pending. Immediately thereafter, he compiled the information and sent it to the information seeker vide No. 1639 dated 29.08.2013. This information has been returned in original by the information seeker on 11.09.2013 citing “incomplete information” but without substantiating/elaborating the alleged incompleteness.”

Thereafter PIO has again sent the information through registered post on 24.09.2013 as per the evidence produced before the Commission which the complainant admitted to have received. He however did not substantiate the alleged incomplete information.

Heard the parties and perused the records.

The complaint is with regard to not providing information within stipulated period, which has now been received by the complainant. Regarding alleged incomplete information, the information seeker has a right to file first appeal under Section 16 of the RTI Act before the officer superior to the PIO or the designated authority viz. First Appellate Authority. By returning the information to the PIO he has necessarily delayed the process of filing an appeal.

However, during hearing the complainant submitted that he was ignorant with regard to the provisions of the Act for filing appeal as particulars of Appellate Authority was not given by the PIO as required under the Act .

The Commission upholds this plea and directs First Appellate Authority/ ACD Kupwara to allow an appeal if filed by the complainant within one month from the date of announcement of this order. FAA will adjudicate the appeal as per Section 16 of the Act after giving an opportunity of being heard to the information seeker/appellant who shall be intimated in writing about the date of hearing of first appeal at least one week in advance through proper mode of service or on his Mobile No. 9622504174.

As per records RTI application has not been disposed of by the PIO within prescribed period under the Act. Therefore, Registry shall issue notice to BDO Teetwal directing him to explain as to why penalty shall not be imposed on him for such delay. His reply, if any, should reach the Commission within 3 weeks from the date of issue of this order.

Registry to put up file after expiry of 3 weeks with explanation of PIO, if any.

The complaint is disposed of with above directions.

Announced in open court before both parties.

Sd/-

(Nazir Ahmed)
State Information Commissioner

Copy to the:-

1. Assistant Commissioner Development, Kupwara.
2. Sh. Ab. Rehman Qureshi S/o Qazi Mohammad Yaqoob R/o Chanh Kote
Karnah District Kupwara

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