

prayed to allow Second Appeal and issue directions to respondent No. 1 to provide information sought by the appellant on 12 queries of his RTI application and also direct the respondents to pay penalty under section 17 of the Act for their failure to provide the required information to the appellant within the prescribed time period.

Records enclosed with the Appeal reveal that an RTI application was made by the appellant before Nodal Officer RTI Act, LAHDC Kargil on 16.04.2013 seeking revenue records of various khasra Nos' of village Tambis District Kargil. This RTI application has been transferred to PIO/ACR Kargil vide letter No. NO-RTI/2013/581-84 dated 17.04.2013 requesting him to provide information as asked for within 30 days under intimation to his office.

In response to the notice of the Commission dated 03.07.2013, DC Kargil/FAA filed para wise reply to the Second Appeal annexed with information comprising of 32 leaves, which information has been received by the appellant. However, DC Kargil has not adjudicated the First Appeal filed before him as is required under section 16 of the Act. Accordingly DC Kargil/FAA was directed by the Commission vide communication NO. SIC/K/SA/16/2013-2054 dated 24.07.2013 as under: -

“The Commission has received a 2nd appeal from the abogve named appellant in which he has alleged that his first appeal dated 16.05.2013 filed before you has not been adjudicated so far.

As such, you are directed to adjudicate the first appeal filed before you by the appellant after giving an opportunity of being heard to him and also after taking into account the information already provided to the Commission with para wise reply dated 18.07.2013, which has been given to the information seeker. Compliance report in this regard be submitted to the Commission.”

Thereafter on 26.08.2013, the appellant submitted his written statement/objections to the para wise reply of the Deputy Commissioner Kargil and information provided to him by the PIO under letter dated 12.08.2013. These

objections are not part of the Second Appeal which was filed for deemed refusal of information within prescribed period.

During hearing the Commission pointed out to DC Kargil that First Appeal is still pending with the him despite clear cut directions by the Commission. The Deputy Commissioner Kargil, present in the hearing submitted that they were busy with the Council elections because of which matter remained pending. He sought a time of one month to peruse records and adjudicate the appeal

Now that the appellant has filed written statement/objections to the information already provided, the Commission deem it proper to direct FAA to consider the written statement/objections filed by the appellant and decide the First Appeal as expeditiously as possible but not beyond one month from pronouncement of this order, after giving an opportunity of being heard to the appellant.

During the course of hearing it came to the fore that information seeker is contesting the authenticity of copy of mutation provided to him by PIO duly attested by Tehsildar placed as Annexure C alleging that Respondent No. 1 have made correction in the revenue record which is crystal clear from the fact that two different pens were used in the said record, as the part where correction has been made, the pen used is totally different. The appellant submitted that old record available with him is different than that one given to him. However, the copy of that record was not available with him during hearing. These allegations can only be ascertained after perusal of original revenue records and the copy reportedly available with the appellant.

As the issue involves scrutinizing of original records of revenue department and also copy of earlier documents reportedly available with the appellant to ascertain the genuineness of alleged tampering of records, Deputy Commissioner Kargil/FAA was asked to go through the rejoinder of the appellant, peruse original

records, seek reply from PIO/concerned Tehsildar and adjudicate the First Appeal accordingly.

With regard to delay in disposing of the RTI application of the appellant, FAA/DC Kargil shall inquire and make a reference to the Commission under section 16(3) of the J&K RTI Act, 2009.

The appellant shall have the right to file Second Appeal afresh before the Commission if he is aggrieved by the order of the FAA/Deputy Commissioner Kargil as directed above.

The appeal is accordingly disposed of.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the: -

1. Deputy Commissioner Kargil.
2. Assistant Commissioner Revenue Kargil.
3. Shri Sadiq Ali s/o Mohammad Baqir r/o Tambis c/o Chamber No. 4th Distt. Court Complex, Baroo, Kargil.

(G.Q. Bhat)
R e g i s t r a r
J&K State Information Commission