



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/Comp/36/2013
Decision No. SIC-K/Comp/36/2013/**84**

Title:- Shri Mohamad Afzal Bhat, V/s PIO/ O/o Deputy Commissioner
R/o Gulposh Apartments Anantnag
Q.No.11 Block B, Bemina (Respondent)
(Complainant)

Present:- 1. Sh.G.R. Wani, PIO/ ACR Anantnag.

Srinagar
23.10.2013

A complaint has been filed before the Commission on 27.03.2013 by Shri Mohammad Afzal Bhat c/o Gulposh Apartments Q. No. 11 Block B, Bemina, Srinagar against Public Information Officer (PIO) Office of the Deputy Commissioner Anantnag under Section 15 of the J&K RTI Act, 2009 stating that on 20th June, 2013 he submitted an application to the PIO Office of the Deputy Commissioner Anantnag along with postal order fee of Rs. 10/-, but till 22nd July 2013, he has not received any information from PIO and accordingly has requested the Commission to direct the PIO to furnish the information without further delay and impose maximum penalty under rules on PIO for deliberately delaying the information without any justification.

Records enclosed with the complaint reveal that an RTI application has been filed by the information seeker through Registered Post to the address of PIO Office of the Deputy Commissioner Anantnag on 20.06.2013 seeking following information:-

- 1. “Status of my application submitted to Dy. Commissioner regarding fake verification of character and antecedents in favour of Mr. Aadil Ahmad Wani s/o Mohammad Maqbool Wani r/o Nagam Kokernag Anantnag by Distt. Magistrate/BMO, Dr. Firdous Bhat SDB issued by Add. District Magistrate vide my registered letter No. RE8079184911N dated 17.04.2013, (representation copy enclosed).**
- 2. Name of the Addl. District Magistrate.**
- 3. Any showcase notice issued by Dy. Commissioner to Addl. District Magistrate regarding issuance of false verification. If yes, pl provide the copy of showcase notice and copy of reply submitted by the Addl. D.M. Anantnag.**
- 4. Have any orders has been issued regarding departmental enquiry, if yes, pl. provide the order of the copy”.**

The case was initially listed for hearing on 20.08.2013 but had to be adjourned owing to the fact that PIO/ACR Anantnag submitted that he had not received the notice of the Commission dated 29.07.2013 for appearance and that he has appeared before the Commission in connection with another case. Accordingly he had sought time of 10 days for filing of response which was granted.

During hearing today, PIO produced evidence/communication whereunder PIO has responded to RTI queries of the information seeker under letter No. DCA/RTI/PIIO/13/F-515/1468 dated 20.08.2013 enclosing information provided by ADC Anantnag with following response to the queries:

- 1. “The application dated 17.04.2013 received by this by this office is being examined in light of the legal provisions of the subject and an enquiry is be conducted. However the requisite certification has been issued by the ADM on the basis of verification report from IGP (CID) (copy enclosed).**
- 2. Mr. Nisar Hussain Wani.**
- 3. No show cause notice has been issued by Deputy Commissioner to ADM regarding the issue.**

4. An enquiry is being conducted in the matter (copy of order enclosed)”.

Therefore ACR has complied with the directions of the Commission in so far as providing of information to the information seeker within 10 days from the date of hearing on 20.08.2013 is concerned.

Regarding initial delay in disposing of the RTI application, PIO filed reply/counter statement which is taken on record. Perusal of the documents enclosed pertaining to the case reveal that RTI application has been transferred by PIO/ACR to I/C Judicial Section, DC Office Anantnag on 28.06.2013 by the PIO requesting him to provide desired information/report to his office within a week's time so that same is provided to the applicant. The PIO has further informed i/c Judicial Section about his liability for penalty being deemed PIO under section 5(4)(5) of the J&K RTI Act. PIO/ACR Anantnag submitted that i/c Judicial Section in the Office of Deputy Commissioner is Additional Deputy Commissioner Anantnag. This is also evident from the fact that the information enclosed with PIO's response has been signed by the ADC Anantnag and is in reference to letter dated 28.06.2013 of PIO under which RTI application has been transferred to I/C Judicial Section. This information has been forwarded to the information seeker by the PIO/ACR Anantnag.

In his reply to the notice of the Commission, PIO has submitted that concerned file was retained by the ADC Anantnag and it was traced by him on 20 August 2013 and information was provided to the information seeker. He has further submitted that the concerned Dealing Assistant of Addl. Deputy Commissioner's office was immediately kept under suspension after which he recorded his statements(p/s copy of statement enclosed for kind perusal) admitting that on 28th June 2013 application of Mohammad Afzal Bhat was received by him duly endorsed by undersigned (as PIO) and the said file was lying in the office of Addl. Deputy Commissioner Anantnag Mr. G.M.Dar.

In view of above prima facie, it appears that delay in disposing of the RTI application/providing of information lies with the then ADC Anantnag Shri G.M. Dar. Registry is directed to issue notice to Shri G.M. Dar, (then ADC Anantnag) who is now reportedly posted

as ADC Srinagar to show cause as to why penalty proceedings shall not be initiated against him for delay in responding to the communication of PIO/ACR dated 28.06.2013 which has subsequently been responded to by his predecessor by providing information under letter No. 5535/ADM/A/13 dated 20.08.2013. His reply should reach the Commission within three weeks from issue of this order. Copy of reply of PIO and reference under which RTI application was transferred be enclosed with show cause notice.

The complaint is disposed of accordingly.

Sd/-

(Nazir Ahmed)
State Information Commissioner

Copy to the:-

1. Sh. G.R. Wani, PIO/Asstt. Commissioner Revenue Anantnag.
2. Shri Mohamad Afzal Bhat, R/o Gulposh Apartments, Q.No.11 Block B, Bemina.

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