



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/51/2013
Decision No. SIC-K/Comp/51/2013/86

Title: Sh. Mohd. Amin Rather v/s PIO University of Kashmir.
 s/o Wali Mohammad Rather, **(Respondents)**
 r/o Chadoora, Budgam.
(Complainant)

Present: 1. Sh. A.R. Sofi, PIO University of Kashmir.
 2. Sh. Mohammad Amin Rather, Complainant.

Srinagar
29.10.2013

A complaint has been received in the Commission on 23.08.013 from Shri Mohammad Amin Rather s/o Wali Mohammad Rather r/o Wagam Chadoora, Budgam against Public Information Officer (PIO) University of Kashmir on the ground that he filed an RTI application before PIO on 28.02.2013 but till date he has not received information. The complainant has therefore requested the Commission to provide him information.

RTI application enclosed with the complaint reveal that this application has been sent to the PIO on 02.03.2013 through Registered Post seeking following information: -

- 1. "Provide N.I.T. with rate list.**
- 2. Provide me the allotment.**
- 3. Provide me the work done estimate of final bill.**
- 4. Provide me the works registered signed by works supervisor and J.E".**

The Commission has noted that the complaint has been filed after a lapse of around 4 ½ months from expiry of mandatory period within which RTI application was required to be disposed of. It is therefore apparent that the RTI applicant was not serious about getting information in time which is the essence of the RTI Act.

During hearing PIO produced evidence that RTI application was received by him 09.03.2013 and thereafter he transferred the same to Assistant Engineer, Construction Division, University of Kashmir on 23.03.2013 seeking assistance under section 5(4) of J&K RTI Act, 2009. Thereafter reminder has been sent to the Assistant Engineer on 01.04.2013 drawing attention of time period for delivery of information under the RTI Act and requesting him to do the needful within a day positively.

Eventually the RTI application has been disposed of by the PIO on 24.04.2013 enclosing information comprising of 4 leaves. Further the information seeker has been given an option for inspection of documents vis-à-vis item 3 & 4 of his RTI application as information being of enormous nature.

Information seeker submitted that he has not received the information but admitted to have received copy of the counter statement dated 23.09.2013. PIO submitted that information has been sent through Registered Post.

Commission is convinced that as per evidence brought on record RTI application has been disposed on 24.04.2013. However, PIO is directed to give one set of information to the complainant immediately after hearing. Regarding query 3, PIO is directed to check latest status and send a response to the complainant accordingly. With regard to item 4 of the RTI application, the Commission agrees with the order of the PIO whereunder the information seeker has been given an opportunity to inspect the records which is still open.

There is some delay on the part of AE to whom RTI application has been transferred. PIO University of Kashmir shall ensure in future to respond to the RTI application through Registered Post and keep evidence thereof on record. Further, PIO shall sensitize i/c works section of University of Kashmir and all other offices to ensure adherence to time schedule as prescribed under the Act.

The complaint is disposed of accordingly.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the: -

9. Shri A.R. Sofi, Assistant Registrar University of Kashmir (Public Information Officer).
10. Shri Mohammad Amin Rather s/o Wali Mohammad Rather r/o Wagam Chadoora, Budgam.

(M.S. Bhat)
Deputy Registrar,
J&K State Information Commission