



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/SA/29/2013
Decision No. SIC/K/SA/29/2013/87

Title: Sh. Syed Muzaffar Ahmad v/s CEO Anantnag.
r/o Qammer, Dooru Anantnag, (Respondent)
(Complainant)

Present: 1. Mrs. Suraya Akhtar, Joint Director, DSEK.
2. Sh. G.R. Shah, CEO Anantnag.
3. Sh. Syed Muzaffar Ahmad, Appellant.

Srinagar
31.10.2013

The Commission has received Second Appeal on 04.09.2013 from Shri Syed Muzaffar Ahmad r/o Qammer, Dooru Anantnag against Chief Education Officer Anantnag (Public Information Officer) on the grounds that the concerned PIO did not provide him information requested for. The appellant has accordingly prayed that the required information be provided to him and also compensation of Rs. 5000/- be paid to him.

Records enclosed with the appeal reveal that the appellant has sought following information: -

- 1. “Whether Mohd. Tariq Ganie s/o Mohd. Anwar Ganie r/o Gotligund is working as a CPW in your Dept. or whether he was as a CPW in your Dept.**
- 2. Where he is presently deployed.**
- 3. How long he has worked and from which date to date he has worked in M/S Drabihala Qammer Tehsil Doru, Dist. Anantnag as a CPW.**
- 4. Whether he is middle pass/8th pass.**
- 5. I want to know and see his duplicate and original qualification and DOB certificates”.**

While date of filing of RTI application has not been recorded by the appellant on his application, which is a lapse on his part, yet he has enclosed receipts of 3 speed posts, 2 of which are dated 29.05.2013 and 3rd is dated 26.07.2013. The information seeker/appellant clarified before the Commission that the RTI application under adjudication was sent on 29.05.2013.

The appellant has thereafter filed First Appeal before Director School Education Kashmir (FAA) on 27.07.2013. This Appeal has been adjudicated by FAA vide order No. DSEK/OSD/IMW/RTI/F-511,556/4051-52 dated 30.09.2013 as under: -

“The information seeker has filed appeals before the First Appellate Authority (Director School Education Kashmir) wherein he has alleged that the PIO, Chief Education Officer Anantnag has not provided the information in response to his application dated 29.05.2013.

The PIO, Chief Education Officer Anantnag was advised vide No. DSEK/OSD/IMW/RTI/F-511/2090-91 dated 23.07.2013 and reminders dated 31.07.2013, 19.08.2013 & 13.09.2013 to provide the requisite information/counter statement to the information seeker under intimation to this office. The PIO, Chief Education Officer Anantnag vide Nos. CEO/A/Legal/25543/13 dated 25.09.2013 & CEO/A/Legal/25544/13 dated 25.09.2013 (copies enclosed) reported that the information stand provided to the information seeker vide No. CEO/A/NT/20179-80/13 dated 07.08.2013 (copy enclosed)”.

During hearing the appellant admitted to have received the information from FAA. He however submitted that the information so provided is not legible, which was obvious from the documents placed before the Commission.

Perusal of records reveal that the information sought under this RTI application has been responded in part A of the communication of ZEO addressed to CEO as under: -

- 1. “That Mohd. Tariq Ganaie CPW reportedly has not physically worked in MS Drabihal.**
- 2. That as per certificate issued by Headmaster MS Batagund Mr. Tariq Ahmad Gaanie is Middle pass (Photostat copy of certificate enclosed).**
- 3. Photostat copy of qualification certificate (Middle pass) which includes date of birth is enclosed”.**

CEO Anantnag in his reply/counter statement dated 30.10.2013 admitted in para 3 that the reply was sought from ZEO Verinag on 02.09.2013 and which was submitted by the concerned ZEO on

04.09.2013. This information has been sent to the Directorate of School Education instead of sending it to the information seeker. However, FAA/Director School Education Kashmir has sent this information to the information seeker as admitted to by appellant.

Heard parties and perused records.

Copies of certificates provided to the information seeker are not legible. Accordingly PIO/CEO Anantnag is directed to provide legible attested copies of these certificates within 10 days duly attested. He will send it through Registered Post on the address given in the RTI application i.e., **Syed Muzaffar Ahmad r/o Qammer, Tehsil Dooru, District Anantnag PIN CODE 192212.**

Prima facie it appears that there has been delay in disposing of the RTI application within period stipulated under the Act. This delay has not been explained by the CEO Anantnag in the counter statement. However, the Commission do not find any ground for seeking compenstion.

In view of above, CEO Anantnag (PIO) is directed to explain, within three weeks of issue of this order, as to why penalty proceedings shall not be initiated against him.

The appeal is disposed of with above directions.

Announced in open court before both the parties.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the: -

1. Director School Education Kashmir.
2. Chief Education Officer Anantnag.
3. Sh. Syed Muzaffar Ahmad r/o Qammer, Tehsil Doru, District Anantnag.

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