



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
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File No. SIC/CO/Comp/55/2013
Decision No. SIC/CO/Comp/55/2013/**89**

Title: Sh. Farooq Ganderbali v/s RTO Kashmir.
r/o, Sehpora Ganderbal (Respondent)
(Complainant)

Present: Shri Zubair Zameer Zia, Learned Advocate, Attorney Holder.

Srinagar
05.11.2013

An appeal has been received in the Commission on 29.07.2013 from Farooq Ganderbali r/o Sehpora Ganderbal against Public Information Officer (PIO)/RTO Kashmir and First Appellate Authority (FAA) Transport Department, J&K on the ground that he had sought information from PIO/RTO Kashmir regarding service book and other particulars of Mohammad Anees Wani RTO Kashmir (re-employed) against proper receipt. It is alleged that even after repeated requests nothing has been communicated by the PIO. That on being denied information, First Appeal was filed before FAA but he too failed to convey a single word in response. He has accordingly prayed Commission to provide him information as per

RTI Rules and take necessary action against PIO and FAA Transport Department.

Facts placed on record reveal that an RTI application has been filed by the information seeker on 18.05.2013 before PIO/RTO Kashmir seeking following information: -

- (a) "Name of the Education Board issued Matriculation Certification (DOB certificate).**
- (b) Serial No. of the said certificate.**
- (c) Exam Roll No. (Matriculation) and session.**

This RTI application has been disposed of by the PIO/RTO Kashmir on 06.06.2013 as under: -

"The photocopies of the service book page with DOB and other information sought is available in my office. You are requested to come to office of RTO Kashmir personally alongwith ID proof on any date convenient to you and collect the information. Personal appearance in office is mandatory to place on record your identity as an applicant".

However, there is no evidence as as to the mode of service.

Shri Zubair Zameer Zia, Learned Advocate, Attorney Holder of the respondent appeared alongwith counter statement of the PIO stating that: -

- i) "The applicant was telephonically offered through PA to RTO Kashmir to collect the information against proper receipt but the applicant did not come forward to collect the information as such the communication under No. RTOK/MVD/PS/123 dated 06.06.2013 was sent to the applicant by the respondent calling upon him to come to the office of respondent and collect the information but the applicant did not choose the same for the unknown reasons.**
- ii) That it is denied that applicant made several requests for seeking information but in turn it is the applicant who did**

not come forward to collect the information against the proper receipt from the office of respondent.

- iii) That the information sought by the applicant is appended herewith this counter statement.**
- iv) That the respondent has neither denied nor failed to furnish the information to the applicant but has communicated the same well in time unto the applicant. Since the applicant had not given proper address in his application as such non-receipt of information as alleged by the applicant cannot be shouldered upon the respondent”.**

Learned Advocate representing respondent produced receipt of *Indian Post* dated 26.08.2013 under which counter statement alongwith requisite information (comprising of first page of service book and copy of Matriculation certificate) has reportedly been sent to the information seeker on. However, it was observed that copy of counter statement has not been marked to the information seeker. Counsel for the respondent also submitted that the information seeker was contacted on phone so as to get full particulars of his address and on the basis of particulars given by him telephonically, counter statement alongwith information have been sent on the address i.e., Farooq Ganderabli r/o Sehpora near DPS Ganderbal. The Counsel argued that in the RTI application specific address was not provided by the information seeker.

Heard the Counsel and perused records.

While RTI application has been responded to by the PIO within prescribed period of 30 days, yet there is no evidence of mode of service. Learned Advocate of respondent submitted that it was sent through ordinary post. In said response, the PIO has asked for information seeker's personal appearance to establish his identity which is not in conformity with the provisions of the RTI Act. The Counsel for the respondent pleaded that it

was not deliberate but only wanted to establish genuineness of the information seeker as the information sought was of personal in nature. He pleaded that there was no malifide intention behind it which is evident from the admission of his client about availability of information sought.

As the information has been reportedly by the PIO provided through Registered Post, the instant complaint is disposed of by giving benefit of doubt to the PIO. However, PIO is directed to acquaint himself with the provisions of the J&K RTI Act, 2009 and in particular with Section 6 & 7 of the Act so that orders passed by him, in future, are in accordance with the Act.

In view of above, the appeal filed before the Commission which has been treated as complaint, is disposed of.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the:-

1. Regional Transport Officer, Kashmir, Srinagar.
2. Sh. Farooq Ganderbali R/o Sehpora Ganderbal.

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