



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/53/2013
Decision No. SIC-K/Comp/53/2013/**96**

Title: Sh. Khurshied Ahmad Ganaei v/s 1. XEN PHE Mechanical,
s/o Sh. Gh. Mohd-ud-Din Awantipora
r/o Dialgam, Anantnag 2.XEN MID Awantipora
(Complainant) (Respondents)

Present: 1. Shri Din Mohammad Bhat, XEN Mechanical Irrigation Division,
Awantipora.

Srinagar
21.11.2013

The Commission received a complaint from Shri Khurshid Ahmad Ganaei on 11.07.2013 stating that he filed two RTI applications in May 2012 in the offices of Executive Engineer PHE Mechanical and Irrigation Mechanical Awantipora respectively regarding information of NITS and misappropriation of funds. That after several visits they have neither provided any information nor stopped the diversion of funds which causes huge monetary loss to the Govt. exchequer.

It is obvious from above that Commission has noted that the information seeker has filed the complaint after more than one year from the date of expiry of prescribed period.

Records enclosed with the complaint reveal that two RTI application addressed to Executive Engineer PHE Mechanical and Executive Engineer Mechanical Irrigation Division (MID) Awantipora have been submitted on 15.05.2012 by the complainant seeking list of works allotted to SHG and contractors from 2006 to 2012 and NITs published in newspapers under J&K RTI Act, 2009.

In response to the notice of the Commission, PIO Office of the Executive Engineer, MID Awantipora vide letter No. MISDP/433-434 dated 28.10.2013 submitted that the information has been provided to the information seeker on 30.09.2013 and copy of receipt has been enclosed as evidence. With regard to delay, PIO has stated that the then Executive Engineer was transferred in the month of May 2012 and also the concerned Head Assistant and Dealing Assistant were transferred in June 2012 and November 2012 respectively..

With regard to information pertaining to PHE MID Awantipora, present incumbent Shri Din Mohammad Bhat submitted his explanation dated 20.11.2013 stating that he joined the Division on 24.09.2013 and till receipt of notice of the Commission dated 09.09.2013, no correspondence

relating the subject was available in the Division. That neither the information seeker's letter nor notice of the Commission dated 16.07.2013 was available in the Division. Further, that notice of the Commission dated 09.09.2013 was received on 27.09.2013 i.e., a day later than the date of appearance in the Commission and therefore he could not appear before the Commission on 26.09.2013. Immediately thereafter he compiled information and intimated the information seeker on 07.10.2013 asking him to deposit an amount of Rs. 210/- as Photostat charges for the information sought by him and when the information seeker failed to deposit the requisite charges for about a week, the information provided to him free of cost on 19.10.2013.

With regard to non-appearance in the Commission on 05.11.2013, PIO submitted that he could not appear as Hon'ble Minister took a review meeting in far flung area of Achabal and therefore he deputed his Head Assistant to attend the Commission. He submitted that non-compliance was not intentional for the reasons stated above.

Therefore the explanation given by Executive Engineer Mechanical Irrigation Division Awantipora regarding non-appearance is accepted and further proceedings on this account are dropped.

After perusal of records it is evident that the information has been provided to the information seeker, yet there has been delay in providing

information. However, the complaint is also at fault for abnormal delay in filing complaint.

Registry to issue notice to PIO Office of Mechanical Irrigation Division Awantipora and the then Executive Engineer MID Awantipora to explain as to why penalty proceedings shall not be initiated against them under Section 17 of the J&K RTI Act, 2009 for delay in providing information

The complaint is disposed of with above directions.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to:-

- 1. Executive Engineer, PHE Mechanical Awantipora.**
- 2. Executive Engineer MID, Awantipora.**
- 3. Sh. Khurshied Ahmad Ganaei S/o Sh. Gh. Mohi-Ud-Din R/o Dialgam Anantnag.**

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