



Jammu and Kashmir State Information Commission

(Constituted under Right to Information Act 2009)

Old Assembly Complex, Srinagar, Fax No. 0194-2484269, 2484262

Wazarat Road Near DC Office, Jammu, Fax No. 0191-2520947, 2520937

www.jksic.nic.in

File No: SIC/J/A/309/2013
Decision SIC/J/A/309/2013/08

Sh. Yog Raj Singh through Counsel Sh. Vilakshana Singh(Advocate)	Appellant	Present
Sh. Sunil Gupta Superintending Engineer PHE, Mechanical Urban Circle, Jammu.	FAA	Present
Sh. P.B. Suri Executive Engineer, PHE Mechanical, Division South.	PIO	Present

**Jammu
16-01-2014**

Briefly the facts in this appeal are that Sh. Yog Raj Singh R/o H.No. 3, Friends Colony Chowadi, Jammu moved an application dated 09-07-2013 under J&K Right to Information Act, 2009 before the PIO O/o Chief Engineer, Public Health Engineering, Jammu seeking the following information:-

1. *Kindly Supply me the total number of water tankers owned by PHE, Department which have been engaged for supplying drinking water in Sainik Colony and the adjoining areas falling in village Chowadi. Also supply me the registration no. of each such water tanker.*
2. *Supply me the total number of water tankers hired by PHE, Department which have been engaged for supplying drinking water in Sainik Colony and the adjoining areas falling in village Chowadi. Also supply me the registration no. and the names of the owners of each such water tanker.*
3. *Kindly supply me the copies of the tenders floated by PHE Department for engaging/hiring the above said water tankers.*

4. *If the tenders have not been floated for said purposes, kindly state the criteria adopted by PHE Department for hiring the said water tankers.*
5. *Kindly supply me the names and designations of the officers of the PHE Department who have hired each such water tanker since January 2010 till date.*
6. *Kindly supply me the total amount paid by PHE Department to each such water tanker since January 2010 till date.*
7. *Kindly provide me the certified copies of the bills which have been passed by the PHE Department in favour of owners of above said water tankers hired by the PHE Department for supplying water in the above said areas since January 2010.*
8. *Kindly supply me the names of Mohallas/Sector no./Lane no. in which water is being supplied by PHE Department in the above said areas.*
9. *Kindly supply me the name, and designation and phone number of the officer of PHE Department who is responsible for supplying water in the above said area.*
10. *Kindly supply me the criteria adopted by PHE Department for supply water tanker in Sainik Colony and the adjoining areas falling in Village Chowadi.*
11. *Kindly supply me the names and addresses of the persons to whom the drinking water has been supplied through water tankers in the above said areas since May 01, 2013 till the disposal of this application.*

In his 2nd appeal before the Commission, the information seeker has alleged that the PIO did not provide the requisite information within the statutory period. Thus, feeling aggrieved of inaction on the part of the PIO, the appellant preferred 1st appeal dated 29-08-2013 before the FAA/Chief Engineer, PHE Department, Jammu. The perusal of the record shows that the requisite information was supplied vide letter No. PHEJ/MS/861-64 dated 27-07-2013. The PIO/Executive Engineer, PHE Mech. Division South, Jammu vide his letter No. PHEJ/MS/2021-22 dated 24-12-2013 addressed to the State Information Commission has reiterated his stand that the said information was sent to the applicant well within the statutory period. For the facility of reference, a copy of the said letter dated 27-07-2013 has been brought on record.

During the course of proceedings held today, the Superintending Engineer, PHE Mechanical Urban Circle, Jammu/FAA in this case informed the Commission that till date he has not received the 1st appeal filed by the appellant in the office of Chief Engineer, PHE Department, Jammu. Chief Engineer, PHE Department, Jammu is hereby reminded of his duty under the RTI Act, 2009 that if any RTI application or 1st appeal is filed in his office that may be transferred to the

concerned authority within the statutory period. Whereas in this case the office of the Chief Engineer, PHE Department, Jammu slept over the 1st appeal filed by the appellant. Had it been adjudicated and disposed of within the statutory period, the appellant would not have preferred 2nd appeal before the Commission? The non-disposal of the 1st appeal of the appellant has caused detriment to his interest and amounts to violation of an important fundamental right guaranteed to the citizen. Chief Engineer, PHE Department, Jammu is hereby directed to remain careful in RTI matters and issue necessary instructions to the subordinate staff so that RTI matters are disposed of expeditiously and within the statutory time frame as mandated under the RTI Act, 2009.

The perusal of the information furnished to the information seeker shows that it is incomplete in many respects and the counsel for the appellant has also brought to the notice of the Commission that information provided to the appellant is not as per his RTI application and requested that the PIO/FAA be directed to furnish the revised information.

Keeping in view the aforesaid facts and observations and the request of the counsel for the appellant PIO/FAA are hereby directed to furnish the revised information to the information seeker free of cost within 10 days from the date of receipt of this order under an intimation to the Commission.

The appeal is accordingly disposed of.

Notice of this decision be given free of cost to the parties.

**Sd/-
Dr. S.K. Sharma**

State Information Commissioner

Copy to the:-

1. 1st Appellate Authority / Superintending Engineer, PHE, Mechanical Urban Circle, Jammu.
2. Public Information Officer / Sh. P.B. Suri, Executive Engineer, PHE Mechanical, Division South.
3. Sh. Yog Raj Singh R/o H.No. 3, Friends Colony Chowadi, Jammu.

(Khalid. A. Shah)
Dy. Registrar
State Information Commission