



**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](http://www.jksic.nic.in)

File No: SIC/J/A/303/2013  
Decision SIC/J/A/303/2013/14

Sh. Darshan Lal	Appellant	Present
Sh. Atul Chib Technial Officer to Executive Engineer, Ravi Tawi Irrigation Complex, Canal road, Jammu.	PIO	Present

**Jammu**  
**21-01-2014**

Briefly the facts in this appeal are that Sh. Darshan Lal S/o Sh. Milkhi Ram R/o Village Bathera, Tehsil & Distt. Jammu-181206 Jammu moved an application dated 09-05-2013 under J&K Right to Information Act, 2009 before the PIO O/o Chief Engineer, Irrigation Department, Ravi Tawi Irrigation Complex, Canal Road, Jammu seeking the following information:-

*"Vide Order No. 184-E of 1979 dated 21-11-1979 issued by the Chief Engineer, Ravi Tawi Irrigation Complex, Jammu, Darshan Lal who was working as a Daily Wage Staff was converted into work charge employee. Copy of the order no. 183-E of 1979 is enclosed. Thereafter his service was discontinued in the year 1985. Applicant is in need of following information.*

- a. Whether any written order of termination of service was passed, if so its copy may be supplied?*
- b. Whether any notice was issued to join service, if so copy of same may be supplied.*
- c. Amount if any deducted towards Provident Fund and if so amount due towards applicant?*

*d. Whether applicant was made quasi permanent. If so copy of said order may be supplied?"*

The PIO/Executive Engineer, Mechanical Division, RTIC, Jammu vide office letter no. MDJ/RTIC/719-20 dated 01-08-2013 furnished some of the information to the information seeker and denied the rest of the information on the plea that the RTI under correspondence is time barred hence no action is required to be taken. Feeling aggrieved of the order of the PIO, the information seeker preferred 1<sup>st</sup> appeal which was disposed of vide order No. SEMIF/Estt./1467-70 dated 16-11-2013 with the observation that the information asked for relates to the period of more than 27 years before the date on which the request has been made and is time barred. Further regarding information asked under Para 1,2 & 4 of the application, no record is available as stated by the Executive Engineer, Mechanical Division, RTIC, Jammu. Regarding para no. 4 deduction towards Provident Fund, the same has been confirmed from the Acquaintance Roll that no deduction whatsoever has been made to his Provident Fund. Hence the applicant cannot claim the same. The 1<sup>st</sup> appeal of the appellant was accordingly disposed of.

Feeling aggrieved of the aforesaid order, the appellant preferred 2<sup>nd</sup> appeal dated 24-12-2013 before the Commission alleging therein that his 1<sup>st</sup> appeal was erroneously rejected on the ground that the information sought by the appellant was more than 20 years old so it cannot be supplied U/s 8(3) of the J&K RTI Act, 2009. It would be pertinent to mention here that Section 8(3) do not provide that the information which is more than 20 years old cannot be provided to the information seeker. The PIO and the FAA has misinterpreted Section 8(3) of the J&K RTI Act, 2009. The information sought by the appellant pertains to his livelihood and there is no justification in not providing the information provided it is available in the office record maintained by the department.

During the course of proceedings held today, the PIO agreed to furnish the revised information to the information seeker subject to its availability in the office record. Keeping in view the aforesaid facts and observations, the PIO is hereby directed to furnish the revised information to the information seeker as per office record within 7 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. Public Information Officer / Sh. Atul Chib, Technial Officer to Executive Engineer, Ravi Tawi Irrigation Complex, Canal road, Jammu.
2. Sh. Darshan Lal S/o Sh. Milkhi Ram R/o Village Bathera, Tehsil & Distt. Jammu-181206

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