



**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/337/2013  
Decision No. SIC/J/A/337/2013/41

**Title**

Shri Dhanantar Singh

(Appellant)

**V/S**

1. PIO, Executive Engineer  
PHE, Irrigation Division No. 1, Jammu.

2. First Appellate Authority / Superintending Engineer,  
Hydraulic Circle, Jammu

(Respondents)

**13<sup>th</sup> February, 2014**  
**Jammu.**

This is an appeal filed by Shri Dhanantar Singh S/o Shri Sahib Singh R/o Dab Karmdin Tehsil and District Jammu in the Commission on 27-12-2013.

The brief background of the case are that appellant filed an RTI application before PIO, O/o Chief Engineer, Irrigation & Flood Control, Jammu on 29-09-2013 under section 6 of the J&K RTI Act, 2009, seeking following information;

***That applicant requires information that during the tenure of Shri P.L.Raina, Junior Engineer, Irrigation Division-I, Jammu for the last 2 <sup>1/2</sup> years:-***

- 1. How many works were given to the Beneficiaries / Contractors through tender, Departmentally, Panchayat and repair work in this section by Shri P.L.Raina, Junior Engineer.**
- 2. How much Payment is given to the Beneficiaries / Contractors against the work executed along with the name of Beneficiaries and Contractors.**
- 3. How much Liability is with the Department for work executed by the Contractors and Beneficiaries.**

This RTI application has been transferred by Technical Office to Chief Engineer, Irrigation and Flood Control, Jammu on 08-10-2013 to Executive Engineer, Irrigation Division-I, Jammu, requesting him to provide information to the information seeker within 30 days positively under intimation to his office. Copy of the same letter was also sent to information seeker for information. The RTI application so transferred has been replied PIO / Executive Engineer, Irrigation Division-I, Jammu vide no. 7301 dated: 07-11-2013 as under;

- 1. No such work allotted by Shri P.L.Raina, Junior Engineer, as he has no power to allot the work (Reply of point 01 of RTI application).**
- 2. Since Shri P.L.Raina, Junior Engineer has not allotted any work, so question of payment does not arise (Reply to point 02 of RTI application).**
- 3. Same as (2) above.**

The appellant filed an appeal before Chief Engineer, Irrigation and Flood Control, Jammu under section 16 of the Act on 14-11-2013 on the ground that the information asked for has not been provided to him. In response to the first appeal, the First Appellate Authority, Superintending Engineer, Hydraulic Circle, Jammu vide his reply dated: 23-11-2013 directed Executive Engineer, Irrigation Division-I, Jammu (PIO) to attend his office with complete case details on 30-11-2013. However, other than this communication, no order have been passed by the First Appellate Authority, as required under section 16 of J&K RTI Act, 2009.

During proceedings, PIO and the appellant submitted that they were called by Superintending Engineer (FAA) in his office. The Executive Engineer, Irrigation Division-1, Jammu (PIO) submitted that FAA was informed that information has been sent to the information seeker and it was agreed that another set of information will be sent to the information seeker. However, information seeker denied to have received any information from the PIO till date. Also PIO failed to provide any evidence regarding this.

The 2<sup>nd</sup> Appeal has been filed in this Commission on the grounds of non furnishing of information to the information seeker within stipulatory period. The case was first heard on 05-02-2014, but the appellant did not appear before the Commission and case was adjourned to afford an opportunity of being heard to the appellant.

During proceedings today, the PIO submitted that another set of information has been sent to the information seeker on 08-02-2014 through registered post. The PIO further submitted that Junior Engineer did not have powers to allot any work, thus point 1 of RTI application has been replied accordingly. He further submitted that records are maintained as per nomenclature of the works / Contrat and not on the basis of officials executing the work. He submitted that the Department shall be in a position to provide information, if the appellant provides list of works in respect of which information is sought.

The appellant Shri Dhanantar Singh submitted that he is an elected Sarpanch of Raipur Panchayat and that essentially he wants to know the status of works in his panchayat under the charge of Shri P.L.Raina, Junior Engineer.

In view of the fact that records are maintained as per nomenclature and name of the work/contract, the appellant was asked to provide list of all such works, in respect of which he intends to seek information. The appellant agreed to provide list of works to the PIO, Executive Engineer, Irrigation Division-I, Jammu by 17-02-2014.

The PIO, Executive Engineer, Irrigation Division-I, Jammu is accordingly directed to provide information as per list of works given to him by information seeker and in relation to the details sought under query 1,2 & 3 of RTI application under intimation to the Commission. A compliance report of the PIO in this regard should reach the Commission within 15 days.

The Commission had noted that First Appellate Authority has not passed any order in accordance with the section 16 of the Act, which is lapse on his part. He was required to record the proceedings of both the parties called by him and pass an order on the basis of facts placed

before him. The First Appellate Authority is directed to acquaint himself with the provisions of section 16 of the Act, else action as warranted under Act shall be taken against him for any lapse in future.

The appeal is accordingly disposed of with above directions.

Sd/-

**(Er. Nazir Ahmad)**

**State Information Commissioner**

Dated: -02-2014

No. SIC/J/A/337/2013

**Copy to the:**

1. First Appellate Authority (Superintending Engineer, Hydraulic Circle, Jammu.
2. Public Information Officer (Executive Engineer, Irrigation Division-I, Jammu).
3. Shri Dhanantar Singh S/o Shri Sahib Singh R/o Dab Karmdin Tehsil and District Jammu (Appellant).

(Khalid Abdullah)

**Deputy Registrar**

J&K State Information Commission