



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/344/ 2013

Decision No: SIC/J/A/344/ 2013/42

Sheikh Mohd. Saleem	Appellant	Present
Sh. Mohd.Mumtaz Ali Add. Dy. Commissioner, Poonch	PIO	Present

**Jammu
13-02-2014**

Briefly the facts in this appeal are that Sh. Sheikh Mohd. Saleem R/o Ward No. 5, Mohalla Kamsar, Tehsil Haveli, District Poonch moved an application dated 18-09-2013 before the PIO office of the Dy. Commissioner, Poonch under J&K RTI Act, 2009 whereunder he sought the following information:-

1. Action taken report of the letter of Additional District Magistrate regarding to stop the construction of Hotel near Sher-e-Kashmir Bridge at Kannuyan Poonch.
2. The demarcation report conducted by the department under the kind supervision of ACR Poonch (Provide Attested copies).
3. Attested photostat copy of permission given after demarcation report to construct the slab of the building mentioned in Para (1) above.
4. State in writing the names of the officer and officials who conducted the demarcation.
5. Provide all photostat copies of attested letter, orders, circular in connection with the state land which was going to be encroached by some persons and which the District Administration knows well.

The PIO failed to provide the requisite information to the information seeker within the statutory period and as such feeling aggrieved of inaction on the part of

the PIO, the information seeker filed Ist appeal dated 31-10-2013 before the Dy. Commissioner, Poonch /FAA. The Dy. Commissioner, Poonch/FAA vide order No:DCP/RTI/Appeal/19-20 dated 13-12-2013 disposed of the appeal of the appellant with the following directions:-

- a) PIO, Additional Dy. Commissioner, Poonch shall re-visit his reply furnished to the appellant and go through the contents of the application afresh submitted by the appellant and trace the file/documents and furnish the requisite information to the appellant within one month from the date of issue of this order, as per the available records under an intimation to this office.
- b) PIO, Additional Dy. Commissioner, Poonch shall also contact appellant and sort out the issue as to what kind of further information is sought by him.

However, the information seeker was not satisfied with the aforesaid order of the FAA, preferred second appeal dated 30-12-2013 before the Commission in which he has alleged that till date he has not been provided any information as requested by him and PIO and FAA has mis-stated the facts and even the letter bearing office No:ADCP/PS/450 dated 02-11-2013 is not received by him.

After receiving the second appeal, the Commission vide No:SIC/J/AQ/344/2013/458-59 dated 27-01-2013 listed the matter for hearing on 13-02-2014 at Jammu office of the Commission and directed the PIO to file counter statement and relevant documents etc. The PIO in compliance to the aforesaid notice of the Commission filed counter statement vide office No:ADCP/PS/706 dated 12-02-2014 in which he has submitted before the Commission that concerned dealing Assistants were directed to locate the requisite information/documents so that the same could be provided to the appellant. The dealing Assistants reported that the information/documents sought by the applicant are presently not traceable. The PIO further submitted before the Commission that applicant was accordingly informed vide No:ADCP/PS/450 dated 02-11-2013 about the factual position. It was further conveyed to the applicant that as and when the information/documents will be located, the same shall be provided to him without any loss of time.

During the course of proceedings, the PIO submitted that the file is not traceable in his office and all the officials working in different sections of Deputy Commissioner Office Poonch have been directed to trace/locate the

documents/information sought by the applicant. The PIO requested the Commission that he may be given ten days time to trace the missing file so that the information sought by the information seeker can be made available to him. The Commission has no hesitation in granting the time sought by the PIO to trace the missing file. In case the file is not traceable, the Dy. Commissioner, Poonch is hereby directed to hold an inquiry into the matter and fix the responsibility of the delinquent official who was having the custody of the file and initiate action against him under service rules applicable to him. The Dy. Commissioner, Poonch is further directed to complete this inquiry within one month from the date of receipt of this order and also lodge an FIR against the delinquent official responsible for misplacing the file 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

Anu (SS)

Copy to the:-

1. The First Appellate Authority/Dy. Commissioner, Poonch.
2. The Public information Officer/Addl. Dy. Commissioner, Poonch.
3. Sh. Sheikh Mohd. Saleem R/o Ward No. 5, Mohalla Kamsar, Tehsil Haveli, District Poonch

Khalid A Shah)
Dy. Registrar,
State Information Commission