

The Complainant has sent his RTI application to the PIO under a registered cover which was returned with an endorsement from the postal Department that the addressee has refused to receive it. Thus, feeling aggrieved of inaction on the part of the PIO, complainant filed complaint under section 15 (1) (a) of the RTI Act, 2009 before the Commission alleging therein that PIO has refused to entertain the application of the information seeker and as such failed to provide the requisite information sought by him. After receiving the complaint of the information seeker, the matter was listed for hearing on 22-08-2013 at Jammu office of the Commission. The matter was adjourned due to non-appearance of the PIO on the date of hearing. After several adjournments, the matter was again listed on 28-10-2013. Sh. Satinder Singh Rana, Executive Engineer, Town Drainage Division, (East) Jammu during the course of proceedings held on that day apprised the Commission that the RTI application of the information seeker pertains to PIO/ Executive Engineer, Sewerage & Drainage Division, (West) Jammu. Accordingly the notice was issued to PIO/Executive Engineer, Sewerage & Drainage Division, West Jammu to remain personally present on next date of hearing alongwith counter statement and office record. The Executive Engineer, Sewerage & Drainage Division, West Jammu appeared before the Commission alongwith office record. Sh. Arjun Singh Pathania Advocate appeared on behalf of Executive Engineer, Sewerage & Drainage Division, West Jammu and apprised the Commission that entire record before June, 2005 is lying in the custody of Sewerage & Drainage Division, UEED (East) Jammu now Town Drainage Division, Jammu.

In view of the submissions of learned counsel for the department of Sewerage & Drainage Division, West Jammu and Executive Engineer, Sewerage & Drainage Division, West Jammu, it is evident that record is lying in the custody of Town Drainage Division, Jammu who has issued

NOC in March, 2005. The PIO/Executive Engineer, Town Drainage Division (East) Jammu is hereby directed to dispose of the application of the information seeker within two weeks from the date of receipt of this order under an intimation to the Commission.

The matter being serious in nature as allegation levelled by the applicant that PIO refused to accept his RTI application posted through registered post on 05-04-2013 and as such refused to provide the information when information was in his custody needs to be inquired in to in terms of section 15 of RTI Act, 2009. Deputy Registrar of the Commission is hereby directed to hold inquiry into the matter after providing an opportunity of being heard to the affected parties including the applicant and report the matter to the Commission for further necessary action as warranted under law within three weeks.

The complaint 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:-

1. Public Information Officer /Executive Engineer, Sewerage and Drainage Division, West Jammu.
2. Public Information Officer /Executive Engineer, Town Drainage Division (East) Jammu.
3. S. Kulbir Singh S/o Late S. Teja Singh R/o 53-B/10, Guru Nanak Nagar, Jammu.

Khalid A Shah)
Dy. Registrar,
State Information Commission