



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/315/2013
Decision SIC/J/A/315/2013/50

Sh. Vishal Chopra	Appellant	Present
Rahul Kumar Sachan DGM (TP), Bantalab, Jammu.	PIO	Present

Jammu
18-02-2014

Briefly the facts in this appeal are that Sh. Vishal Chopra, TAC Member BSNL, Editor-In-Chief Daily, Jammu, Metro Morning Newspaper R/o Shanker Bhawan, 361 Rehari Colony, Jammu moved an application dated 24-10-2013 before the PIO/DGM, Telecom Project Sh. Rahul Sachan, Bantalab, Jammu under J&K Right to Information Act, 2009 whereunder he sought the following information:-

1. That I am in need of the detail information regarding execution/laying of office cable and over head cable in the J&K State, within your tenure i.e (Rahul Sachan DGM TP, Project BSNL Bantalab) of posting in said place and when the all said works were started and completed with the value of the execution of the works with No. and date.
2. Details information regarding how much payment give to concern department like PWD, GRIF etc. for giving permission of office laying and over head laying, route wise and department wise, and section wise and kilometers (kms) wise details in your tenure i.e Rahul Sachan DGM TP, Project BSNL Bantalab.
3. When the said work started and when completed with the value of project and also names of SDE, JTO, Name of contractors, Name of

contractor firms with complete address in all the said projects and all balance work and under the pipe lines project to be started soonly.

4. Details regarding in your tenure i.e (Rahul sachan DGM TP, Project BSNL Bantalab) how much advance to D.E.T, SDE & JTO in which place they have consumed, produce copy along with all voucher and bill.
5. Details information regarding in your tenure i.e (Rahul Sachan DGM (TP) Project BSNL Bantalab) how much T.A & D.A you have charging the department, in which place you have night stay and other advances you have charged, Mr. Rahul Sachan in your department alongwith hotels, restaurants, guest house vouchers and copy of bill, all details writing the information may be given to applicant.

The PIO did not provide the information within the statutory period.

Thus, feeling aggrieved of inaction on the part of the PIO, the information seeker preferred Ist appeal dated 26-11-2013 before the FAA/DGM, Telecom Project, Jammu. The DGM (TP) Jammu vide office letter No:DGM/TP/Jmt/2013-14/22 dated 02-12-2013 informed the information seeker that the information cannot be supplied as it is being sought out of personal vendetta and to settle personal scores with an employee of a public authority and for intimidation of a public servant by indulging in seeking all sundry information which do not having any remote link to public interest. DGM, (TP) Jammu further stated in the aforesaid letter that the application of the information seeker amounts to abuse and misuse of the process of RTI and to settle personal scores which is not the object of RTI Act.

The appellant feeling aggrieved of the aforesaid reply, preferred second appeal dated 11-12-2013 before the Commission alleging therein that his application is rejected on the ground that he is seeking personal information which would serve no public interest. The Commission after receiving the second appeal listed the matter for hearing at Jammu office of the Commission on 18-02-2014. During the course of proceedings, DGM, (TP) Jammu again raised the issue that the information sought by the information seeker is personal information. In his counter statement, DGM

(TP) Jammu submitted that they are governed by RTI Act, 2005 as the FAA for their office is General Manager, (Telecom Project), Jalandhar who is outside the territorial boundaries of the J&K and hence, there is a valid doubt regarding how J&K Act, 2009 will be made applicable when CPIO is in J&K but the FAA is outside the J&K. It would be necessary to comment upon stand taken by DGM (TP) Jammu, firstly the Commission is of the view that the information sought by the information seeker is not personal information relating to any individual. The information seeker has sought the information about the functioning of public servant during his tenure at a particular place. The public servant discharges many functions in the interest of general public which should be open to transparency and accountability as envisaged in the RTI Act, 2009. The sharing of such information does not in any way affect the privacy of an individual. Secondly, all the Central authorities situated in the State of J&K are governed by J&K RTI Act, 2009. The Commission has already issued a notification to this effect communicating to all the public authorities belonging to the Central Government located in the State of J&K. During the course of proceedings, DGM, (TP) Jammu apprised the Commission that the Chief General Manager, Telecom Project, New Delhi has designated the FAA and PIO within the territory of J&K in order to dispose of the matters arising under the J&K RTI Act, 2009.

Keeping in view the aforesaid facts and observations, DGM, (TP) Jammu is hereby directed to furnish the requisite information as available in office record to the information seeker within 20 (twenty days) from the date of receipt of this order on payment of requisite fee as prescribed under the RTI Act, 2009 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:-

1. The Public Information Officer/ DGM (TP),Bantalab, Jammu.
2. Sh. Vishal Chopra, TAC Member BSNL, Editor-In-Chief Daily, Jammu, Metro Morning Newspaper R/o Shanker Bhawan, 361 Rehari Colony, Jammu.

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