



Jammu and Kashmir State Information Commission

(Constituted under Right to Information Act 2009)

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www.jksic.nic.in

File No: SIC/A/302//2013

Decision No: SIC/A /302/2013/70

S. Balvinder Singh	Appellant	Present
Sh. Mohd. Bashir Tehsildar Settlement, Jammu.	PIO	Present

Jammu
28-02-2014

Briefly the facts in this appeal are that S. Balvinder Singh R/o 127 Lane-2, Sector 2, Nanak Nagar, Jammu moved an application dated 13-06-2013 before the PIO office of the Dy. Commissioner, Jammu under J&K Right to Information Act, 2009 whereunder he sought the following information :-

1. Provide the detail whether khasra No:76 min & 77 min, khewat No:42, khata No:289 min, situated at Deeli, Tehsil and District Jammu falls within or outside the Jammu Municipal limit.
2. Provide the circle rate fixed for the land fall under Khasra No: 76 min, Khewat No:42 & khata No:289 min situated at Deeli, Tehsil and District Jammu.

The information sought by the appellant was in custody of Tehsildar (S), Jammu as such RTI application of the information seeker was transferred to Tehsildar (Settlement) on 27-06-2013. The information to the information seeker was not provided by Tehsildar (S)/PIO within the statutory period as such the appellant filed Ist appeal dated 16-09-2013 before the FAA. The FAA disposed of the Ist appeal vide order No:ACR/FAA/RTI/2013-14/31-33 dated 06-11-2013 with the direction to PIO/Tehsildar (S) Jammu to provide the information to the information seeker within two days on prescribed format as requested by the

appellant in his RTI application dated 13-06-2013. The Tehsildar (S) Jammu in compliance to the directions passed by the FAA provided information to the information seeker on 06-11-2013. The information seeker filed 2nd appeal before the Commission on 03-12-2013. The matter was listed for hearing on 09-01-2014. The appellant and PIO /Tehsildar (S), Jammu were present before the Commission. The PIO/Tehsildar (S), Jammu was provided the copy of 2nd appeal with the direction to file counter reply within one week. On 20-01-2014, counter reply was filed by Sh. Ravinder Sharma, Tehsildar (S) and notices were issued to appellant and Tehsildar (S) for causing their presence before the Commission on 28th February, 2014. Both the appellant and Tehsildar (S) Jammu were present. In his counter reply, Tehsildar (S) submitted that the information sought by the appellant was to get prepared from Naib Tehsildar, Digiana. The Tehsildar (S) has further stated that reply received from concerned quarter was kept by dealing assistant Sh. Karam Chand, Girdawar in his own custody despite the fact that he was advised number of times not to keep information received from various officials with himself. The Tehsildar (S)/PIO has further stated that the dealing assistant has never been authorized by him to pass information to the applicant without his orders as has been done in present case. The Tehsildar (S)/PIO also submitted that the dealing assistant slept over the RTI application of the appellant and it is due to him that the appellant was constrained to file second appeal before the Commission. The Tehsildar (S) in his counter reply has submitted that he has to attend the multifarious duties both field assignment as well as ministerial. The Tehsildar (S)/PIO has stated that due to demise of his mother on 04-10-2013, he could not attend the office for a long time which also caused delay in providing information to the information seeker.

From the aforesaid facts and observations, it is manifest that there is a delay in furnishing the information to the information seeker. The PIO/Sh. Ravinder Sharma the then Tehsildar (S) Jammu now Tehsildar, Headquarter Assistant to Dy. Commissioner, Reasi and Sh. Karam Chand, Girdawar in the office of Tehsildar (S), Jammu are hereby directed to show cause why the penalty under section 17 of the Right to Information Act, 2009 may not be imposed upon them for causing delay in furnishing the

information to the information seeker within two weeks from the date of receipt of this order. The information already stands furnished to the information seeker and as such no further direction is required in the matter.

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. Public Information Officer /Tehsildar Settlement, Jammu.
2. Sh. Ravinder Sharma Tehsildar, Headquarter Assistant to Dy. Commissioner, Reasi.
3. Sh. Karam Chand Girdawar, office of the Tehsildar Settlement, Jammu.
S. Balvinder Singh, R/o 127 Lane 2, Sector 2, Nanak Nagar, Jammu J&K.
4. Guard file.

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