



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/A/14//2014

Decision No: SIC/A /14/2014/75

| | | |
|---|-----------|---------|
| Sh. Suraj Parkash | Appellant | Present |
| Dr. Shafqat Hussain Rafiqi Joint Secretary, J&K State of Board of School Education, Jammu. | PIO | Present |

Jammu
06-03-2014

Briefly the facts in this appeal are that Sh. Suraj Parkash S/o Late Sh. Ram Krishan R/o Ward No. 7, Sunderbani, District Rajouri moved an application dated 10-09-2013 before the PIO, J&K Board of School Education, Rehari Jammu under J&K Right to Information Act, 2009 whereunder he sought certain information with respect to property statement of Sh. Chander Parkash, Head Assistant, J&K BOSE Jammu.

The PIO vide letter No:F(Info-Cell)B/Jm/2013/579 dated 30-09-2013 informed the information seeker that the information sought pertains to third party and without the consent of third party, the information cannot be provided. The PIO further informed the information seeker that consent of the third party was sought and he has expressed his reluctance to share the personal information. Feeling aggrieved of the aforesaid order, the appellant preferred Ist appeal dated 11-10-2013 before Secretary/J&K BOSE, Jammu which was disposed of vide order No:F/PSS/B/CU-13 dated 14-12-2013 with the remarks that "*the information sought by the appellant cannot be provided as the same is not*

available with this office as verified and being third party information the appellant is at liberty to seek it from the concerned at his own level." Feeling aggrieved of the aforesaid order, the appellant preferred second appeal dated 22-01-2014 before the Commission in which he has alleged inter-alia that the PIO on extraneous reasons and without any lawful justification has concealed the information and did not applied his mind while dealing with the RTI application of the appellant. The appellant further alleged that FAA also avoided the information on the pretext that it being third party information and disposed of the appeal by observing that it cannot be provided as the same is not available with this office as verified.

The Commission after receiving the second appeal, listed the matter for hearing on 06-03-2014. Both the parties were present. The PIO pleaded before the Commission that the information sought by the information seeker is not available in office record and as such it cannot be furnished to the information seeker. The PIO also took the stand that the order passed by the PIO as well as FAA are as per the spirit of J&K Right to Information Act, 2009 and they have no intention to conceal any information from the information seeker. The PIO also submitted that J&K BOSE is not maintaining the record of property statement of Non-Gazetted employees.

From the aforesaid facts, it is apparent that the information sought by the information seeker is not available in the office record maintained by the J&K BOSE Jammu and as such the information sought by the information seeker cannot be furnished to him. In the given circumstances, the order passed by the PIO as well as FAA are upheld, the appeal filed by the appellant is without merit and dismissed.

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 /Jt. Secretary, J&K Board of School Education, Jammu.
2. Sh. Suraj Parkash S/o Late Sh. Ram Krishan R/o Ward No. 7, Sunderbani, District Rajouri Guard file.

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