



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/09/2014
Decision No: SIC/J/A/ 09& 11/2014/82

Sh. Sanjay Kumar	Appellant	Present
Sh. Daljeet Singh Tehsildar Reasi.		Present

Jammu
05-03-2014

Briefly the facts in this appeal are that Sh. Sanjay Kumar S/o Sh. Tara Chand R/o Ghai-Jagir P/o Dadoo, Block Pouni, Teh. & Distt. Reasi moved an application dated 17-08-2013 before the PIO O/o Divisional Commissioner, Jammu under J&K RTI Act, 2009 where under he sought the following information:-

- 1. What decision/action has been taken on the letter no. 901/CC/22/Reasi/40 dated 15-04-2013 send by office of the Divisional Commissioner, Jammu to the office of the Deputy Commissioner, Reasi complaint against the Tehsildar, Reasi vide his office order 394/OQ dated 23-06-2011 has misguided the Education Department with the content that the said applicant is not permanent resident of village Gahi Jagir, then all the document have been issued in my favour and in favour of my wife on the report of the said officer i.e. PRC of Sonika Devi S/o Sanjay Kumar dated 03-12-2010.*

The PIO O/o Divisional Commissioner transferred the said RTI application to PIO O/o Deputy Commissioner, Reasi U/s 6(3) on 26-08-2013 for disposal under

law. The information seeker was also informed about the transfer of this RTI application. Public information Officer, Reasi vide letter dated 19-09-2013 transferred the RTI application to Tehsildar Reasi for providing information to the information seeker within the statutory period .However the Information seeker was not provided information within the statutory period as prescribed in the RTI Act. Tehsildar, Reasi submitted the requisite information in the office of PIO O/o Deputy Commissioner, Reasi on 08-10-2013 instead of providing it to the appellant directly. Information seeker aggrieved by the denial of information by the PIO filed 1st appeal before the FAA on 28-10-2013. The FAA failed to dispose off the 1st appeal within the time provided under the J&K RTI Act, 2009. The 2nd appeal was listed for hearing before the Commission on 05-03-2014. Appellant and APIO/Tehsildar, Reasi were present. The information seeker's RTI application was transferred by PIO/ACR Reasi, to Tehsildar Reasi on 19-09-2013 for providing information to information seeker directly but instead of providing information to information seeker, APIO submitted information to the office of PIO and PIO/ACR was under an obligation to forward the information to information seeker. Perusal of the facts show that the FAA has failed to discharge its duties as envisaged in J&K RTI Act, 2009. The 1st appellate authority under the scheme of the Act being a quasi judicial authority is under an obligation to provide an opportunity of being heard to the appellant and is expected to pass a reasoned and speaking order while disposing of an appeal after observing the principles of natural justice so that a regime of transparency and accountability is maintained. The first appellate authority has not adjudicated the appeal filed by appellant, the attitude of first appellate authority is against the spirit and philosophy of the Right to Information Act, 2009, which has been viewed seriously by the Commission. PIO/ACR, Reasi is directed to explain why penalty U/s 17 may not be imposed on him for causing delay in disposing the RTI application of the information seeker and present Tehsildar, Reasi is directed to identify the Tehsildar who has failed to dispose of the RTI application of information seeker. The Tehsildar, Reasi is hereby directed to furnish the requisite information to the appellant within two weeks from the date of receipt of this order under an intimation to the Commission. Both appeals filed by the appellant on 21-01-2014 are disposed of by this common order.

The appeals are 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 the:

5. Public Information Officer O/o Deputy Commissioner, Reasi.
6. Sh. Daljeet Singh, Tehsildar, Reasi.
7. Sh. Sanjay Kumar S/o Sh. Tara Chand R/o Ghai-Jagir P/o Dadoa, Block Pouni, Teh. & Distt. Reasi.

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