



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/165/2013

Decision No: SIC/J/A/165/2013/85

Sh. Kovid Khosla, Advocate	Complainant	Present
Sh. Anshu Mali, Assistant Director, CA & PD, Samba	PIO	Present

Jammu

13-03-2014

The Commission vide decision No. SIC/J/A/165/2013/233 dated 19-08-2013 held that the information provided to the information seeker is incomplete in nature and needs to be revised and directed the PIO to provide the revised information to the information seeker free of cost within 10 working days from the date of receipt of this order under an intimation to the Commission. The Tehsil Supply Officer, CA&PD, Samba vide office letter No.ADCAPD/S/2012-13/1058 dated 29-08-2013 furnished the requisite information to the information seeker. Whereas the information relating to query No.1 and 3 is concerned the Tehsil Supply Officer, CA&PD, Samba has replied that the concerned "D" form on the basis of which ration card was issued in favour of Smt. Krishno Devi W/o Late Shri Mani Ram R/o Village Kawal Tehsil and District, Samba is not

traced out and the application in question for cancellation of ration card is also not traced out.

Feeling aggrieved of the information provided to him, the applicant filed a complaint dated 02-02-2014 before the Commission for non compliance of the aforesaid order of the Commission. The applicant alleged in his complaint that missing of information sought (not traced out) give a clear signal that something fishy has happened in the office of PIO concerned due to which he has not provided the information for months together and finally he has tried to escape by saying that same is not traced out and requested for further investigation besides, imposing penalty upon PIO and taking departmental action against him. The applicant also produced judgement titled Union of India V/s Vishwas Bhamburkar in W.P(C)3660/2012 CM 7664/2012(Stay) decided on 13-09-2013 by the Hon'ble High Court of Delhi in support of his contentions. In the said judgement it is observed: "It is not uncommon in the government departments to evade disclosure of the information taking the standard plea that the information sought by the applicant is not available. Ordinarily, the information which at some point of time or the other was available in the records of the government, should continue to be available with the concerned department unless it has been destroyed in accordance with the rules framed by that department for destruction of old record."

"Even in the case where it is found that the desired information though available in the record of the government at some point of time, cannot be traced despite best efforts made in this regard, the department concerned must necessarily fix the responsibility for the loss of the record and take appropriate departmental action against the officers/officials responsible for loss of the record."

In view of the aforesaid observations of the Hon'ble High Court of Delhi the Commission is prima facie of the opinion that the said information was in fact available in the office of the Tehsil Supply Officer, CA&PD, Samba, whereas it is now being claimed that the information sought by the applicant is not traced out. In the given circumstances, Commission deems it fit to direct inquiry into the matter by the responsible officer of the Department concerned to again look into the matter rather deeply and verify whether such information was actually available in the records of the public authority at some point of time or not.

Keeping in view the aforesaid facts and observations the Commission hereby directs the Director, CA&PD, Jammu to conduct an inquiry into the matter and fix the responsibility for loss of the record/information and take appropriate departmental action against the officers/officials responsible for loss of record. The Director, CA&PD, Jammu is further directed to complete the inquiry within one month from receipt of this order and file compliance report to the Commission.

The complaint for non compliance 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 the:-

1. Director, CA&PD Department, Jammu.
2. Sh. Kovid Khosla, Advocate R/o Eicher Show Room, Main Road Sidhra.
3. Sh. Anshu Mali, Assistant Director/PIO, CA & PD, Samba.
4. Guard file.

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