



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/194/2013

Decision No SIC/J/A/194/2013/86

Dr. Amit Sharma	Complainant	Present
Sh. Rajesh Sharma Section Officer (Legal) SMVD University, Kakryal, Katra.	PIO	Present

**Jammu
13-03-2014**

The background of the case is that a 2nd appeal was filed in the Commission by Dr. Amit Sharma S/o Sh. Rajesh Sharma R/o Nai Basti, Kana Chak, Akhnoor Road-Jammu which was adjudicated by the Commission on 16-09-2013 by passing appropriate orders to PIO for providing information as detailed in the order within three weeks from the receipt of the Commission's order. This has been complied by the PIO by providing information to the information seeker under letter dated 01-11-2013 with enclosures. However, the complainant filed a complaint dated 30-11-2013 before the Commission wherein he has contested the information provided to him by the PIO in respect of query 1 of RTI application and produced letter no. SMVDU/COE/2013/234 dated 16-04-2013 from Professor V.Verma wherein at para 1 & 2, it is stated as under:-

"This has reference to your letter dated 15-04-2013 regarding furnishing the copy of the minutes recorded during the last date of inquiry proceedings viz 12-03-2013.

In this context, it is to convey that the minutes of all the inquiry proceedings form part of the record of the inquiry process based on which the inquiry report has to be furnished to the competent Authority by the undersigned as such furnishing the

copy of the same before finalization of the inquiry report does not arise at all at this stage. Besides, a copy of the inquiry report shall also be provided to you as per rules”.

On the last date of hearing i.e. 05-02-2014, the Commission directed the PIO to respond to the letter dated 16-04-2013 referred to herein above. In response to the Commission’s direction, the PIO vide office letter no. SMVDU/PIO/14/738 dated 06-03-2014 submitted that all the records/annexures were scrutinized for verifying the availability of the copy of the minutes of the meeting/proceedings recorded on 12-03-2013 vide no. SMVDU/COE/2013/225 dated 12-03-2013 but no such information is available on record as well. The PIO further submitted that no information in the form of minutes in the meeting dated 12-03-2013 or otherwise as claimed by the appellant are available on record or held by the University as public authority. The PIO was directed to file an affidavit duly sworn before the notary to the effect that the response filed by him before the Commission vide office letter no. SMVDU/PIO/14/738 dated 06-03-2014 is true and correct to the best of his knowledge and belief and nothing has been concealed therefrom. In compliance to the aforesaid direction of the Commission, the PIO has filed an affidavit dated 13-03-2014 duly sworn before the notary, Jammu city. The said affidavit is brought on the file for reference and record.

It is apparent from the aforesaid facts and observations and submissions made by the PIO that no information in the form of minutes of the meeting dated 12-03-2013 or otherwise as claimed by the appellant is available on record or held by the University as a public authority and as such no direction in the matter is required.

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. Public Information / Sh. Rajesh Sharma, Section Officer (Legal) SMVD University, Kakryal, Katra.
2. Dr. Amit Sharma S/o Sh. Rajesh Sharma R/o Nai Basti, Kana Chak, Akhnoor Road-Jammu.

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