



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-54/2013

Decision No: SIC-J-A/54/2013/106

Mohd-Ud-Din-Wani	Appellant	Present
Sh. Sher Singh Assistant Commissioner Revenue, Jammu	PIO	Present
Dr. G.J Singh Assistant Commissioner Nazool, Jammu	PIO	Present

Jammu

29-04-2013

The facts briefly in this appeal are that Sh. Mohd-Ud-Din-Wani R/o House No. 5, Mohalla Dalpatian, Jammu moved an application dated 13-12-2012 under J&K RTI Act, 2009 before the PIO office of the Deputy Commissioner, Wazarat Road, Jammu seeking the following information:-

- i. Attested true copy of the order issued by Asstt. Commissioner Nazool under his No. 208/74-75/1-3 dated 02-04-1979, with regard to land comprising Kh. No. 421 measuring 40 kanals and 3 marlas and Kh. No. 422 measuring 10 kanals and 3 Marlas in village Parli Baghi (Across Tawi) Jammu Khass, District. Jammu.
- ii. Action taken on applications submitted on 19-01-2008 and 07-03-2011 before the Dy. Commissioner Jammu.

- iii. Under what circumstances the attested true copy of the order is not being provided to the Information seeker by the concerned.
What legal action is admissible for not providing the required information to the information seeker by the concerned official.

The PIO O/o Dy. Commissioner Jammu transferred the aforesaid application of the information seeker vide office letter No: DCJ/PIO/RTI/2012-13/3599-3600 dated 22-12-2013 to the PIO/Assistant Commissioner Nazool, Jammu under section 6 (3) (a) of the J&K RTI Act, 2009 for further necessary action in the matter. Feeling aggrieved of inaction on the part of the PIO/AC Nazool, the information seeker preferred appeal before the FAA on 15-01-2013. Perusal of the record shows that the FAA did not adjudicate and dispose of first appeal within statutory period. Thus, feeling aggrieved of inaction on the part of the FAA, the information seeker preferred second appeal before the Commission on 06-03-2013. The Commission after receiving the second appeal vide its notice No:SIC/J/A/54/2013/1454-56 dated 04-04-2013 directed the FAA and the PIO to send counter reply within 7 days of receipt of the notice. The matter was listed for hearing on 29-04-2013. During the course of proceedings, the PIO/ ACR Nazool submitted a letter bearing No:Nazool/13-14/48 dated 22-04-2013 and apprised the Commission that then AC Nazool Jammu vide No:Nazool/12-13/720-21 dated 21-02-2013 replied to the application of the information seeker that the relevant file is not traceable in the office records. The PIO further apprised the Commission that after receiving the aforesaid reply, the appellant sent another application to AC Nazool, Jammu through speed post with the request to provide the information at the earliest. The office staff was again directed to search the records but it was again reported by the staff that the said file was not traceable. The PIO further apprised the Commission that a committee has been constituted vide letter NO:Nazool/2013-14/30-

32 dated 16-04-2013 in order to retrieve the file from office record and Tehsildar Nazool Jammu is appointed as inquiry officer to thoroughly enquire and search the file and furnish report within 10 days. The appellant Mohd-Ud-Din-Wani was also informed about constitution of the committee to trace the relevant file.

Perusal of the aforesaid facts and documents on record reveal that the information sought by the information seeker pertains to the file which till date is not traceable, despite the fact that the necessary efforts have been made in this regard by the office of AC Nazool Jammu. It would be appropriate to mention here and appreciate the assurance given by the PIO/AC Nazool that in case the file is retrieved, the necessary information shall be provided to the information seeker. In view of the aforesaid facts, the PIO is hereby directed to submit the inquiry committee report headed by Tehsildar, Nazool Jammu for perusal of the Commission

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 Commission

Copy to the:-

1. The First Appellate Authority/Dy. Commissioner, Jammu.
2. The Public information Officer/Assistant Commissioner Nazool, Jammu.
3. The Public information Officer/Assistant Commissioner Revenue. Jammu.
4. Mohd-Ud-Din-Wani R/o House No. 5, Mohalla Dalpatian, Jammu.

(Jang Bhadur)
Joint Registrar