



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
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File No: SIC-J-A-68-2013
Decision No. SIC-J-A-68-2013/114

Sh. Rakesh Kumar Appellant	Absent
Dy. Director Health Services (HQ), Directorate of Health Services, Jammu.PIO	Absent

Jammu
07-05-2013

Briefly the facts in this appeal are that Sh. Rakesh Kumar S/o Sh. Kasturi Lal Verma C/o New Choice Stationers, Opposite Tanga Wali Gali, Jammu moved an application dated 27-12-2012 under J&K RTI Act, 2009 before the PIO, Directorate of Health Services, Jammu seeking the following information:-

- 1. Posts of Male Multipurpose Health Worker (MMPHW) were advertised in the month of January 2012 by District Health Society under National Society under National Rural Health Mission (NRHM), out of which one post was for Block Dansal, so intimate as to how many candidates applied for the aforesaid post for Block Dansal.*
- 2. How many candidates qualified and how many candidates were called for interview and provide the name and address of the candidates of Block Dansal.*
- 3. What was the qualification of the selected candidate? Kindly furnish the copy of Diploma / requisite documents of the selected candidate including the diploma for Male Multipurpose Health Worker (MMPHW) and also the order of appointment of the selected candidate may be provided.*

The information seeker feeling aggrieved of inaction on the part of the PIO preferred 1st appeal dated 18-02-2013 before the 1st Appellate Authority / Director

Health Services, Jammu. The information seeker has alleged that no response was received from the PIO within the prescribed period as envisaged in the J&K RTI Act, 2009 rather the PIO has failed to provide the information. The 1st Appellate Authority / Director Health Services, Jammu disposed of the appeal vide order no. DHSJ/1st-Appeal/11097-98 dated 05-03-2013 and observed as under:-

- a. *"that you were not specific in asking the information as whether the posts asked for are with regard to the recruiting agency (SSB) or District Health Society. However, now in your appeal you have specified that the advertisement was issued by the District Health Society under National Rural Health Mission.*
- b. *That accordingly the Public Information Officer informed you vide letter no. DHSJ/PIO/7972 dated 19-12-2012".*

The FAA / Director Health Services, Jammu also directed the PIO / Chief Medical Officer, Jammu (Vice-Chairman District Health Society) to provide the requisite information to the information seeker. However, the information seeker was not satisfied with the order of the FAA and preferred 2nd appeal dated 01-04-2013 before the Commission in which he has prayed that the PIO be directed to furnish the information to the appellant. After receiving the appeal the Commission vide office notice no. SIC/J/A/68/2013/1860-61 dated 23-04-2013 directed the parties to remain present on 07-05-2013 (10.30 a.m.) at Jammu office. However, both the parties failed to cause their appearance before the Commission, despite the fact that a proper notice was served upon them.

Keeping in view the aforesaid facts, the Commission is of the considered opinion that the information seeker is entitled to seek information as a matter of right under the J&K RTI Act, 2009 and the PIO is under the statutory obligation to provide the information to the information seeker as per his RTI application and the record available in office. The PIO is hereby directed to furnish the information to the information seeker as available in the office record maintained by the department and free of cost within two weeks from the date of pronouncement of this order under an intimation to the Commission. The PIO, Directorate of Health Services, Jammu is directed to show cause why fine U/s 15 of the J&K RTI Act, 2009 read with the provisions of Code of Civil Procedure, 1977 (Samvat) shall not be imposed upon him for his failure to appear before the Commission on the date of hearing.

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 the:

1. First Appellate Authority/ Director Health Services, Jammu.
2. Public Information Officer, Directorate of Health Services, Jammu.
3. Sh. Rakesh Kumar S/o Sh. Kasturi Lal Verma C/o New Choice Stationers,
Opposite Tanga Wali Gali, Jammu.
4. Guard File.

Jang Bhadur
Joint Registrar
State Information Commission