



**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-92-2013  
Decision No. SIC-J-A-92-2013/116

Sh. Sajjad Hussain Najjar	..... Appellant	
Through		
Sh. Aseem Sawhney(Advocate)		.....Present
Addl. Deputy Commissioner,	.....PIO	.....Absent
Kishtwar.		

**Jammu**  
**09-05-2013**

Briefly the facts in this appeal are that Sh. Sajjad Hussain Najjar S/o Late Ab. Gaffar Najjar R/o Jamia Market, Kishtwar moved an application dated 31-12-2012 under J&K RTI Act, 2009 before the PIO / Additional Deputy Commissioner, Kishtwar seeking information relating to Service Book of Sh. R.K. Shavan, Addl. Deputy Commissioner, Kishtwar.

The PIO vide office letter no. 855/ADC/K/12 dated 16-01-2013 informed the information seeker that the information asked for is personal in nature and cannot be provided. The fact of the matter is that Sh. R.K. Shavan, Additional Deputy Commissioner, Kishtwar was himself the PIO in this case. It would have been better if he have refrained from acting as a PIO as the information sought by the information seeker pertained to the individual who disposed of the application. Such a lapse erodes the concept of natural justice which envisages fair play and purity in the administration of justice. One of the essential canon of natural justice is that one cannot be a judge in his own cause i.e. ***Nemo iudax causa sua***. The PIO is warned that he should remain careful in future and strictly adhere to

principles of natural justice, while disposing of applications seeking information pertaining to one's own self. Thus, feeling aggrieved over rejection of his request the information seeker preferred appeal dated 05-02-2013 before the 1<sup>st</sup> Appellate Authority / Deputy Commissioner, Kishtwar. The 1<sup>st</sup> Appellate Authority upheld the decision of the PIO denying the information on the ground that information sought is a personal document of the officer and cannot be furnished to the information seeker. The information seeker thus feeling aggrieved of the decision of the FAA preferred 2<sup>nd</sup> appeal dated 16-04-2013 before the Commission in which he alleged that denial of information is perse -illegal and the order passed by the PIO and the 1<sup>st</sup> Appellate Authority is arbitrary, irrational and unreasoned. The Commission after going through the documents available on record and the judgment of the Central information Commission vide file no. CIC/AD/A/2011/000014 dated 03-02-2011 furnished by the learned counsel of the appellant Sh. Aseem Sawhney holds that service details of public servants available in the service book cannot be treated as personal information. Therefore, a copy of the service book may be provided to the appellant after severing, if required U/s 10(I) of the RTI Act any information that may be considered as personal and is exempt from disclosure U/s 8(1)(i) of the RTI Act.

The PIO is hereby directed to provide the requisite information to the information seeker free of cost within two weeks from the date of receipt of this order under an intimation to 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 Commissioner

Copy to the:

1. First Appellate Authority/ Deputy Commissioner, Kishtwar.
2. Public Information Officer / Addl. Deputy Commissioner, Kishtwar.
3. Sh. Sajjad Hussain Najjar S/o Late Ab. Gaffar Najjar R/o Jamia Market, Kishtwar.
4. Guard File.

Jang Bhadur  
Joint Registrar  
State Information Commission