



**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

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**File No:** SIC-J/A/09/2013

**Decision No:** SIC-J/A/09/2013/122

|   |             |         |
|---|-------------|---------|
| Sh. Ashok Kumar   | Complainant | Absent  |
| Sh. C.P. Sharma<br>Technical Officer,<br>to Chief Engineer<br>P.H.E. Deptt;<br>Jammu. | PIO         | present |

**Jammu**  
**14-05-2013**

Briefly the facts in this complaint are that Sh. Ashok Kumar 'A' Class contractor S/o Sh. Krishan Lal R/o Village Kundi Chiralla, Tehsil Thathri, Distt. Doda (J&K) at present H.No. 172, Lane 7, Vikas colony, Paloura Top, Jammu moved an application dated 19-10-2012 under J&K RTI Act, 2009 before the PIO O/o Chief Engineer, P.H.E. Department, Jammu seeking the following information:-

- 1. Providing information regarding letter no. PHEJ/Bgt/1901 dated 10-11-2009 alongwith enclosures within one week.*

The information seeker has alleged in his complaint before the Commission that his application was supported with necessary fee of Rs. 50/- and he has also annexed treasury receipt bearing no. 66/0070 dated 18-10-2012. However, the PIO has categorically submitted in his counter statement that the information seeker have neither deposited requisite fee of Rs. 50/- into Government Treasury nor enclosed the receipt of deposit. Thus, after receiving the RTI application, the

PIO informed the information seeker vide office letter no. PHEJ/PS/11481 dated 20-10-2012 that in the absence of non deposit of requisite fee, your RTI application is not entertainable and hence rejected outrightly.

Feeling aggrieved of inaction on the part of the PIO and rejection of his application, the information seeker filed a complaint dated 27-02-2013 before the Commission in which he has alleged that another application under RTI Act along with necessary fees was sent to the office of the Chief Engineer (P.H.E on 01-11-2012 but inturn he did not receive any response from the office of the PIO. The applicant has not enclosed any proof of having filed the second application under the RTI Act.

During the course of proceedings, the PIO urged before the Commission that the applicant has filed the present complaint on the basis of impersonation in as much as the signatures of the applicant on the complaint itself are quite different from the signatures appearing on the alleged RTI application dated 01-11-2012 and on this count the complaint is not maintainable and deserves to be dismissed. The perusal of the signatures of the applicant on RTI application and the complaint filed before the Commission prima facie appear to be forged and the matter being serious in nature needs to be investigated by an investigating agency. The PIO further submitted before the Commission that earlier also the applicant had applied for information under the RTI Act which was promptly supplied to him and had the applicant now applied for information under RTI Act alongwith mandatory deposit of fee, the information could have been supplied to him. The PIO further submitted that his office is very much having the requisite information which can be furnished to the applicant subject to the proper application alongwith proof of deposit of the requisite fee.

Keeping in view the aforesaid facts, the information seeker is hereby directed that in case he is interested in seeking the information, he must file a proper application bearing his genuine signatures alongwith proof of deposit of the requisite fee before the PIO. The PIO is also directed that in case, the applicant approaches him, he should dispose of his application as expeditiously as possible, but not later than three weeks from the date of pronouncement of this order under an intimation to the Commission.

The complaint 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:

9. Public Information Officer / Sh. C.P. Sharma Technical Officer, to Chief Engineer, P.H.E. Deptt; Jammu.
10. Sh. Ashok Kumar 'A' Class contractor S/o Sh. Krishan Lal R/o Village Kundi Chiralla, Tehsil Thathri, Distt. Doda (J&K) at present H.No. 172, Lane 7, Vikas colony, Paloura Top, Jammu
11. Guard File.

Jang Bhadur  
Joint Registrar  
State Information Commission