



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/C/31-Dec-2011
Decision: SIC/J/31-Dec-2011/140

Sh. Mohd. Shafiq

Complainant

Sh.Mohammad Ashraf
The Then Chief Education Officer Poonch/PIO
Now Field Advisor
State Institute of Education
Srinagar.

Brief facts of the case are that one Shri Mohammad Shafiq S/o Syed Mohammad R/o Village Ari, Gag Mohalla, Ward No. 6, Tata Pani, Tehsil Mendhar, District Poonch filed an RTI application dated 29.10.2011 through Advocate, Sh. Gurdev Singh Thakur seeking certain information from Public Information officer, Directorate of School Education, Jammu. The PIO submitted before the Commission that the application of the complainant was received in his office on 5.11.2011 under ID No. 220 RTI dated 5.11.2011. The information sought by the information seeker pertained to Chief Education Officer, Poonch and accordingly the RTI application was forwarded to him u/s 6(3) of the RTI Act 2009 vide No. DSEJ/RTI/11/574-77 dated 9.11.2011 within five days. It is admitted fact that there was delay on the part of the then CEO Poonch in providing the information to the information seeker. Therefore, by virtue of this

Commission's order dated 28.03.2012 the then CEO Poonch was directed to show cause as to why penalty u/s 17 of the RTI Act shall not be imposed upon him for causing the delay in furnishing the information to the information seeker within two weeks from the pronouncement of that order.

Separate show cause notices dated 19.7.2012, 27.7.12 and 26.9.2012 were also served on the then PIO/ CEO Poonch who is presently working as field advisor state Institute of Education Srinagar. The said PIO has furnished his reply vide his letter dated 27.7.2012. In the said reply he has stated that he received the requisite information from District Project Coordinator, Saakshar Bharat Mission Poonch on 23-02-2012 vide his letter no.DPC/SBM//P/208 dated 23.02.2012. He has further stated that the said information was also faxed to Director School Education Jammu. He has further stated that point wise reply was sought from the District Project Coordinator, Saakshar Bharat Mission Poonch on 30-3-2012 and same was submitted to the Directorate of School Education, Jammu vide CEO Poonch No. 139 dated 4-4-2012.

I have perused the reply submitted by the PIO. The reply although mentions that the information was received from District Project Coordinator, Saakshar Bharat Mission Poonch on 23-02-2012 but the PIO has utterly failed to bring on record any document which would show as to when the assistance of the District Project Coordinator, Saakshar Bharat Mission Poonch was sought by the then CEO Poonch and in the absence of the said fact, the PIO/CEO can not absolve himself from the liability to pay penalty under sec. 17(1) of the J&K RTI Act, 2009. The reply of the PIO further shows that the point wise reply was sought from the District Project Coordinator, Saakshar Bharat Mission Poonch on 30-03-2012 inspite of the fact that the said RTI application was transferred to him on 09.11.2011. Thus the delay caused by the PIO in furnishing the information to the

information seeker is unreasonable. The PIO has made a delay of 70 days in furnishing the information to the information seeker. Therefore a penalty amounting to RS.17,500/- (Seventeen Thousand and Five Hundred Only) is imposed on the then CEO Poonch (presently working as Field Advisor. SIE) for causing unreasonable delay of 70 days in providing the information to the information seeker. Therefore the amount of penalty is calculated as under.

70 days X Rs. 250 (per day) = Rs. 17,500/-

The Drawing and Disbursing Officer (DDO) in the office of Chief Education Officer, Srinagar will ensure deduction of **Rs. 17,500/-** from the salary of Sh. Mohammad Ashraf the then PIO/Chief Education Officer, Poonch at present Now Field Advisor State Institute of Education Srinagar in 3 equal instalments from the salary of the defaulter commencing from the month of June 2013 and remit it to the Government Account with an intimation to this Commission. In case of any default committed by the DDO in this regard, he (DDO) will be personally liable for making the payment towards the Government account.

Sd/-

Dr. S.K. Sharma

State Information Commissioner

Copy to the:-

1. Public Information Officer / Sh.Mohammad Ashraf, The Then Chief Education Officer Poonch / PIO, Now Field Advisor State Institute of Education, Srinagar.
2. Shri Mohammad Shafiq S/o Syed Mohammad R/o Village Ari, Gag Mohalla, Ward No. 6, Tata Pani, Tehsil Mendhar, District Poonch.
3. Drawing and Disbursing Officer (DDO) O/o Chief Education Officer, Srinagar.
4. Guard file.

Jang Bhadur

Joint Registrar

State Information Commission