



**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/19/2013  
Decision No SIC/J/A/19/2013/141

Dr. Amit Sharma	Appellant	Absent
Sh. Rajesh Sharma Section Officer (Legal) SMVDU University, Katra.	PIO	Present

**Jammu**  
**28-05-2013**

Briefly the facts in this appeal are that Dr. Amit Sharma, Assistant Professor, SALD, SMVDU, Katra S/o Sh. Rajesh Sharma R/o Nai Basti, Kana Chak, Akhnoor Road-Jammu moved an application dated 20-09-2012 under J&K Right to Information Act, 2009 before the PIO, SMVD University, Katra seeking the following information:-

1. Names of the Employees allowed by the Hon'ble Vice Chancellor (HVC) by any office Order to use Toyota Qualis (JK 14 A 2231/ or any other Staff Car) for commuting daily from Jammu (home) to SMVD University, (To and Fro) and Copy of that Order.
2. Names of the Employees travelling by Qualis (JK14 A 2231/or any other Staff Car) for commuting from Jammu to SMVD University, daily (To and Fro) and availing HRA benefit also. Kindly mention the amount of HRA in INR for each of such the employee, including Mr. Vivek Verma.
3. Copy of entire file including notings contained in it and DFA approved by the HVC relating to re-employment of Mr. C.L Razdan in SALD, SMVDU right from the initiation of such proposal till issuance of office order, including copy of same also.
4. Copy of all the file notings relating to Mr. Vivek Verma (AR Estab) regarding Medical Reimbursement to which post dated Bill No. 46185

- dated 21.09.2010 forms one of the constituting component, including all the notings by all the officers of the University in that file.
5. Copy of the entire file notings and approval by the HVC relating to release of CPF amount exceeding 06 Lakhs (INR) paid to Mr. C.L Razdan in year 2012 recently after relieving on May 15<sup>th</sup> 2012, inspite of huge amount of recovery he owes to University.
  6. Copy of entire file notings including that by HVC relating to recovery of amount, that Mr. C.L. Razdan owes to University. Kindly provide a copy of that noting adopted as basis by the Finance Wing for not imposing recovery on Mr. C.L Razdan before relieving him on 15<sup>th</sup> May 2012 to till date.
  7. Copy of Executive Council (EC) Meeting Minutes prior to one held on 01<sup>st</sup> Sep. 2012.
  8. Copy of agenda item regarding u/s put in EC Meeting on 01<sup>st</sup> Sep. 2012 held in New Delhi,
  9. Copy of Order SMVDU/Adm/Estt/12/4000-01 Dated 06/02/2012.
  10. Copy of Order SMVDU/ADM/07/7317-19 Dated 17/12/2007.
  11. Copy of suo motto action taken by HVC as on record in SMVDU relating to various irregularities mentioned in my representations No. SMVDU/SALD/12/AS(AP)27 Dated 26.06.2012 and SMVDU/SALD/12/AS(AP)29 Dated 29.06.2012.
  12. Kindly provide the names of the Executive Council SMVDU members to whom a copy of my Appeal vide SMVDU/SALD/12/AS(AP)/40 Dated 30-08-2012 was provided in the Meeting held on 01 September 2012 by the Registrar as Secretary EC.
  13. Copy of suo motto action taken by HVC as on record in SMVDU relating to Mr. Aditay Kumar after knowing that his
    - ◆ Experience Certificate has been issued by Institute derecognized by COA for award of B. Arch since Sep. 2008.
    - ◆ His working as Associate Professor in University violates related provisions of UGC Act. Regulations.
 as intimated by u/s in my representations No. SMVDU/SALD/12/AS(AP)17 Dated 16-05-2012 and SMVDU/ SALD/12/AS(AP)/18 Dated 28-05-2012.
  14. Copy of the following documents in respect one candidate selected for faculty position in SALD namely; Mr. Aditya Kumar Singh as Associate Professor, who joined SMVDU on 02<sup>nd</sup> Jan 2012.
    - i. Application and Application Form as considered by the Short listing Committee for the post of Associate Professor.
    - ii. Experience Certificate as considered by the SMVDU.
    - iii. Offer of Appointment accepted by him.
    - iv. Character Certificate submitted to SMVDU.
    - v. Relieving Order from previous employer submitted to SMVDU at the time of joining.
    - vi. API score and its detail as considered by the Selection Committee and Short listing Committee.
    - vii. Details of last pay drawn from previous employer before joining SMVDU.

viii. Office Order issued for his association with Prof. I/C Works and Estates in any capacity.

15. In respect of Advertisement No. SMVDU/Adm/10/6115 Dated 25/2/2010, kindly provide the following related Information dealing with the School of Mathematics in respect of Professor's Post advertised.

- i. Who sent the requisition for the post of Professor in School of Mathematics to Registrar's Office. His name and designation in the School of Mathematics? Kindly provide a copy of the said communication, mentioning area of specialization too.
- ii. Draft of entire advertisement and detail of number of faculty school wise as approved by the HVC including that for School of Mathematics.

iii. Relevant information in format:

Name of the Candidates who applied	Date of Application	Address	Educational qualifications Merit / percentage of marks	DOB	No. Papers in Journals/conferences	No. of books published	Ph.D. studied mentioning academic background of the Scholar Guided. (Science/Engineering)	Areas of specialization	Name & Designation of Teaching Posts held since start of Teaching Career at respective Institutes	Duration and Date of holding each post	Details of API

- iv. Before the above advertisement, number of vacant sanctioned post of Associate Professor/Professor in School of Mathematics as per Establishment record.
- v. A copy of draft approved by the HVC for the Notification of shortlisting Committee to be constituted for the post of Professor in School of Mathematics.
- vi. Copy of Notification of shortlisting Committee constituted for shortlisting the faculty for the post of Professor in School of Mathematics, issued by the Registrar.
- vii. Minutes of Shortlisting Committee approved by the HVC for interview relating to the post of Professor in School of Mathematics.
- viii. Copy of Selection Committee Minutes including their recommendations, individually or jointly as on record in SMVDU.
- ix. Date of interview was any candidate selected for the post of Professor in School of Mathematics, his name? If No reasons on the record.
- x. A copy of directions by the Chancellor's office.
- xi. Was the post again advertised? If, Yes Kindly provide Number and Date of such Advertisement.

16. In respect of Advertisement No. SMVDU/Adm/Estt./11/169 Dated 26-04-2011, kindly provide the following information dealing with the School of Mathematics in respect of Professor's Post advertised:

- i. Who sent the requisition for the post of Professor in School of Mathematics to Registrar's Office this time; His name and designation in the School of Mathematics? Kindly provide a copy of the said communication, mentioning area of specialization too.

- ii. Draft of entire Advertisement and detail of number of faculty school wise as approved by the HVC including that for School of Mathematics.
- iii. Relevant information in following format.

Name of the Candidates who applied	Date of Application	Address	Educational qualifications Merit / percentage of marks	DOB	No. Papers in Journals/conferences	No. of books published	Ph.D sguded mentioning academic background of the Scholar Guided.( Science/Engineering	Areas of specialization	Name & Designation of Teaching Posts held since start of Teaching Career at respective Institutes	Duration and Date of holding each post	Details of API

- iv. Before the above advertisement, number of vacant sanctioned post of Associate Professor/Professor in School of Mathematics as per Establishment record.
- v. Draft approved by the HVC for the Notification of Shortlisting Committee to be constituted for the post of Professor in School of Mathematics.
- vi. Copy of Notification of Shortlisting Committee constituted for shortlisting the faculty for the post of Professor in School of Mathematics, issued by the Registrar.
- vii. Minutes of Shortlisting Committee approved by the HVC for interview relating to the post of Professor in School of Mathematics.
- viii. Copy of Selection Committee Minutes including their recommendations, individually or jointly as on record in SMVDU and the date of interview.
- ix. Was any candidate selected for the post of Professor in in School of Mathematics SMVDU? His name, address and University/Institute where he was working and on what post?
- x. Was any candidate already working on the post of Professor/Associate Professor in School of Mathematics SMVDU? Kindly mention his Name, designation and any administrative post held at that time?
- xi. Copy of all the communications made to the Chancellor's Office in regard to this appointment and Date of this communication.
- xii. A copy of directions issued by the Chancellor's office/secretariat in this regard.
- xiii. A copy of Offer of Appointment, as accepted by the candidat selected for the post of Professor in Professor in School of Mathematics SMVDU.
- xiv. A copy of his Relieving Order by his employer submitted before joining as Professor in School of Mathematics.

- xv. A copy of his Resignation letter, if working in SMVDU as submitted before joining as Professor in School of Mathematics SMVDU.
- xvi. A copy of his Joining Report as Professor; duly submitted to Director, Dean and Registrar SMVDU, including noting of all the officers of SMVDU on that.
- xvii. A copy of all the office orders for holding administrative posts after joining as Professor in School of Mathematics.
- xviii. Has he been Executive Council (EC) member also in recent conducted on Sep. 01 2012 at Delhi. How many times previously also he has been EC member of SMVDU, kindly provide the Office order and copy of approval by the HVC in each case for considering his case as EC member.
- xix. Sanctioned post of Professor/Associate Professor in the School of Mathematics SMVDU?
- xx. Name and Designation of official in establishment section responsible for checking that advertisement is as per sanctioned posts in that School. His noting int his regard related to this case.
- xxi. Was this aspect check checked in this case before advertisement? If No, when was this aspect Noticed and what action was followed? As on record according to :
  - a. Rules of University.
  - b. Rules of Law provided by the Constitution of India

17. In respect of Mr. Vivek Verma, following information may kindly be provided regarding his appointment as Assistant Registrar (AR) in SMVDU; as a copy:

- a. Adertisement Draft approved by the Competent Authority and related noting prior to its submission and after approval by all related officials of University.
  - b. Advertisement published.
  - c. Shortlisted candidates for AR post.
  - d. Shortlisting Committee Minutes
  - e. Interview call letter to Mr. Vivek Verma
  - f. Selection Committee Minutes
  - g. Offer of appointment accepted by him.
  - h. Date of approval of his selection by the Chancellor SMVDU
  - i. No. of years of his working in Establishment Section only.
18. Copy of Office Order and noting on record issued for nominating "Controlling Authority" for the use of the University vehicles as by the Hon'ble Vice-Chancellor, including reasons specified as basis available on record, for entrusting such assignment to particular person only including his name.
19. Copy of that page of the Log Book (relating to Staff car Qualis No. 2231) for each month of last one year, counted back from this month, where Certificate has been recorded by the Controlling

- Officer to the effect that "there is no misuse and that all officers who used the staff car have signed the logbook".
20. Copy of action taken by HVC and Registrar SMVDU as on record in University relating to my representations No. SMVDU/SALD/12/AS(AP)/24 Dated 14-06-2012, regarding refusal by Central Receipt/Dispatch Section SMVDU ( as per instructions to them) to accept my letter to submitted to University officials except than those sent by post.
  21. In respect of Mr. Rajesh Sharma (SO on deputation from JK Minerals), following information may kindly be provided regarding his services in Registrar's office in SMVDU.
    - i. Copy of Terms and Consitions of his Deputation.
    - ii. Copy of Govt. Rule vide which is deputation has been made to
    - iii. Post held in JK Minerals alongwith its Pay Grade (both Pre-revised and Revised).
    - iv. Post held in SMVDU alongwith its Pay Grade (both Pre-revised and Revised).
    - v. Copy of office order regarding any other extra charges held by him.
    - vi. Monthly Salary Detail including his pay fixation by the Finance Wing and all other allowances applicable and being paid to him at the time of joining SMVDU on deputation and as on today separately.
    - vii. Copy of Extension of his Deputation term if any made till date, including noting of HVC/Registrar adopted as basis for such extension in University record and communicated to his parent department or any other related JK Govt/PSU Body competent for doing so.
  22. Expenses (in INR) for running Qualis 2231( or any Staff car in its place) for the daily commuting of certain officials from Jammu to University and back to Jammu. Analysis should include the following also for last one year, month wise:
    - a. Fuel Cost
    - b. Repair & Service
    - c. Maintenance
    - d. Depreciation of Vehicle
    - e. Driver Factor
    - f. Insurance cost
    - g. Any other miscellaneous expenditure associated from time to time.

After receiving the application of the information seeker, the PIO forwarded the same to concerned sections viz. Establishment, Finance and Transport on the same day for seeking their assistance in terms of Section 5 (4) of the J&K RTI Act, 2009 vide letters no. SMVDU/PIO/12/279, SMVDU/PIO/12/280, SMVDU/PIO/12/288 dated 20-09-2012. As on 03-10-2012, except Finance wing, the information was still

awaited from other sections as such reminder vide letter no. SMVDU/PIO/12/285 dated 03-10-2012 was issued to Transport wing and vide letter no. SMVDU/PIO/12/288 dated 03-10-2012 to the Establishment wing. Thereafter, another reminder bearing no. SMVDU/PIO/12/292 dated 12-10-2012 was issued to Establishment Wing to provide the information. The applicant vide letter no. SMVDU/PIO/12/299 dated 19-10-2012 was requested to deposit the fee towards the cost of information. Accordingly, the applicant deposited the fee on 25-10-2012 and the information furnished by the concerned sections except Establishment was furnished to the applicant vide office letter no. SMVDU/PIO/12/310-11 dated 25-10-2012.

The appellant feeling aggrieved of the information provided to him preferred appeal dated 09-11-2012 U/s 16(1) of the J&K RTI Act, 2009 before the 1<sup>st</sup> Appellate Authority i.e. Registrar, SMVD University. The 1<sup>st</sup> Appellate Authority disposed of 1<sup>st</sup> appeal vide order no. SMVDU/Reg/RTI/1<sup>st</sup> Appeal/12/47-50 dated 14-12-2012.

Thus, feeling aggrieved of the order of the PIO and FAA, the information seeker knocked the doors of the Commission by filing 2<sup>nd</sup> appeal dated 21-01-2013. After receiving the 2<sup>nd</sup> appeal Commission vide its notice no. SIC/J/A/19/2013/811-12 dated 14-02-2013 directed the PIO, SMVD University to send counter reply to the Commission within 7 days of receipt of the notice. The PIO accordingly filed counter statement / reply to 2<sup>nd</sup> appeal vide office letter no. SMVDU /PIO/13/414-15 dated 14-03-2013. Since most of the information sought by the information seeker pertained to third parties, it became incumbent upon the Commission to give a reasonable opportunity of being heard to the third parties in terms of Section 16 clause 5 of J&K RTI Act, 2009. Consequently, the notices were served upon Prof. C.L. Razdan (Retd.), Dr. V.K. Bhatt professor in School of Mathematics, Dean College of Sciences, SMVDU, Sh. Aditya Kr. Singh, Director School of Architect, SMVDU and Sh. Vivek Verma, Assistant Registrar, SMVDU to remain present before the Commission on 02-05-2013.

During the course of proceedings held on that day, the aforesaid officers vehemently opposed the sharing of any information relating to them on the ground that the information sought is confidential and personal in nature and is exempted from disclosure U/s 8 Clause 1(i). Therefore, before passing any order it would be

appropriate to critically analyze the information sought by the information seeker and find out whether it is exempted from disclosure U/s 8(1)(i). The perusal of the letter written by PIO bearing no. SMVDU/PIO/12/310-11 dated 25-10-2012 addressed to the information seeker clearly shows that the information sought by the information seeker relating to:-

- a. Queries no. 1 & 2 stands already furnished to him. However, he has been denied the information relating to House Rent Allowance (HRA) as admissible to employees on the ground that it forms one of the components of salary of an individual employee which is exempted from disclosure U/s 8 of the J&K RTI Act, 2009. Though HRA is essential component of salary of an employee, but it can be easily severed interms of Section 10 of J&K RTI Act, 2009. Therefore, the PIO is directed to furnish this information to the information seeker by severing the component of HRA from the salary of an individual employee.
- b. So far query no. 3 is concerned, information relating to re-employment of Mr. C.L. Razdan be furnished to the information seeker.
- c. Informtion relating to query no. 4 already stands furnished to the information seeker by the PIO.
- d. Query no. 5 relates to copy of entire file notings relating to release of CPF amount in favour of Mr. C.L. Razdan in the year 2012 which is personal in nature and stands exempted from disclosure U/s 8(i) of the J&K RTI Act, 2009. The CPF amount of an individual is just like a bank account of a person and is personal in nature, the disclosure of which has no relationship of any public activity or interest and would rather cause unwarranted invasion on the privacy of an individual. Therefore, the PIO has rightly denied the sharing of this information.
- e. Information sought in query no. 6 may be furnished to the information seeker.
- f. Query no. 7 the information seeker has sought copy of Executive Council (EC) Meeting Minutes prior to one held on 1<sup>st</sup> of Sept.2012. If the minutes have been notified and circulated the same may be furnished to the information seeker.



- g. Query no. 8, information seeker has sought copy of agenda item regarding him put in E.C. Meeting held on 01-09-2012 in New Delhi, the information may be furnished, if not, already provided.
- h. Information relating to queries no. 9 to 22 may be provided, as available in the office record if already not furnished, however, subject to the rider that the information which is purely personal in nature and is exempted from disclosure U/s 8(1)(i) of the RTI Act should not be given.

The perusal of documents on record shows that the information seeker has made an attempt to lodge allegations of misconduct against the Public Information Officer (PIO) for reasons best known to him. The information seeker is advised to desist from such practice in future and in case of non-satisfaction / response related to his RTI application(s) the same can be settled through the medium of 1<sup>st</sup> Appellate Authority as well as the State Information Commission.

It would also be appropriate to comment upon the nature of queries raised by the information seeker in his RTI application. There are about 22 queries which are having so many sub-queries relating to which the information seeker is seeking the information. Most of these queries are not interrelated and an attempt to answer these queries would disproportionately divert the resources of a Public Authority and will also cause unnecessary burden on the manpower and state exchequer. It would be appropriate to mention here but the Hon'ble Supreme Court of India has observed in Civil Appeal No. 6454 of 2011 titled **Central Board of Secondary Education and Anr. V/s Aditya Bandopadhyay and Ors.** which is as under:-

*"Indiscriminate and impractical demands or directions under RTI Act for disclosure of all the sundry information (unrelated to transparency and accountability in the functioning of public authority and eradication of corruption) would be counter-productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into*

*a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of a public authorities prioritising 'information furnishing', at the cost of their normal and regular duties".*

Keeping in view the aforesaid observations of Hon'ble Supreme Court and the facts and circumstances of this case, it becomes the duty of the Commission to comment on the factual backdrop in which the RTI application was filed by the information seeker. The RTI application has raised many queries relating to so many employees and functioning and role of the university administration in running its affairs. Out of 22 queries very few queries are logical and inter-related. The information seeker has asked bundle of questions to give vent to his dissatisfaction with the functioning of the university. He is advised to remain careful and act with circumspection while filing an RTI application. The J&K RTI Act, 2009 cannot be used as a tool to give vent to frustration and dissatisfaction of an employee with the working of the university system. As the information had partly been furnished to the information seeker by the PIO and some of the information was made available to him after the disposal of 1<sup>st</sup> appeal by FAA, thus, the Commission believes that even rest of the information may also be furnished to the information seeker which is not confidential and personal in nature and is not prohibited from disclosure U/s 8 of the J&K RTI Act, 2009. The Commission is always prepared to respect the right of the genuine information seekers and will act as a sentinel on the qui-vive while enforcing the most cherished fundamental right to information.

In view of the aforesaid facts and observations, Commission is of the considered opinion that no such information which entails disproportionate diversion of the resources of a public authority and causes unnecessary burden on human resources and exchequer of a public authority should be furnished. The PIO / FAA is hereby directed to dispose of the RTI application of the information seeker in the light

of aforesaid observations within 4 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. Public Information Officer / Sh. Rajesh Sharma, Section Officer (Legal), SMVD University, Katra.
2. Dr. Amit Sharma, Assistant Professor, SALD, SMVDU, Katra S/o Sh. Rajesh Sharma R/o Nai Basti, Kana Chak, Akhnoor Road-Jammu
3. Guard file.

**Jang Bhadur**  
Joint Registrar  
State Information Commission