



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/57/2013

Decision No: SIC/J/A/57/2013/158

Sh. Kovid Khosla
Advocate, J&K High Court

Appellant

Absent

Sh.Nisar Ahmed
Jr. Engineer
On behalf of Executive Engineer/PIO
O/o Hydraulic Division,
Kishtwar

Present

**Jammu.
18-06-2013**

Briefly the facts in this appeal are that Sh. Kovid Khosla, Advocate, J&K High Court Jammu, Opposite Eicher Showroom, Main Road, Sidhra, Jammu moved an application dated 18-12-2012 under the J&K RTI Act, 2009 before the PIO O/o PHE Division Kishtwar seeking the following information:-

- A. *Total amount/Funds received from the J&K State Govt. in year 2010, 2011, 2012 for execution of different (PHE) development schemes and programmes including (LIC, MNP, NAB, S.S and others) in entire Kishtwar district with full details of the estimated cost of such programmes.*
- B. *Total funds received in year 2010, 2011, 2012 for execution of the central Govt. schemes under NRDWP coverage and NRDWP SLLIPAGE in entire kishtwar district with full details of the estimated cost of such programmes with dates of completion of such programmes and present status.*

- C. Names and designation of officials of (PHE division Kishtwar) to whom funds have been sanctioned for making purchases under aforesaid state and central govt. schemes with description of amounts sanctioned.*
- D. Details of the items purchased in year 2010,2011,2012 for utilization/application in such schemes alongwith their actual cost and dates of purchase brand and name of company/firm/individual from whom such items have been purchased*
- E. Whether tenders for such purchases were done, if yes, name of the company/firm/individual who made bids and in whose favour tenders were passed with date of tenders.*
- F. Details of bids made in such tenders alongwith the details of the approved bids for last three years.*
- G. Details of items utilized/distributed/installed alongwith the dates and areas of their installation/distribution/utilization under such schemes.*
- H. Details of balance/lapsed amount from the aforesaid state and centre Govt. schemes for year 2010,2011,2012.*
- I. Full details of the entire staff of PHE, division, kishtwar with details of their residential addresses/designation/posts held/period of stay at such division/dates of joining said divisions.*

The information seeker did not receive any response from the PIO within statutory period and preferred appeal dated 01-02-2013 before the FAA i.e Superintending Engineer, Hydraulic Division, Doda. The FAA did not adjudicate and dispose of appeal with in statutory period. Thus feeling aggrieved of inaction on the part of the PIO as well as FAA, the information seeker knocked the doors of the Commission for seeking information as prayed in RTI application. The matter was listed for hearing on 01-05-2013 and 23-05-2013. On 23-05-2013, the PIO appeared in person before the Commission and explained that he has not received the RTI application of the information seeker. He was directed to file an affidavit to that effect duly attested by the public Notary. During the course of proceedings held on that day, the PIO was furnished a photo copy of RTI application of the information seeker and was also directed to furnish the information to the information seeker within a week's time. In compliance to the direction of the Commission, the PIO vide office letter No: HDK/1141-43 dated 29-05-2013 furnished 108 leaves containing information through registered speed

post vide receipt No:ACE8064748281N dated 30-05-2013 at Post office Kishtwar. The PIO also filed an affidavit in compliance to the direction of the Commission which has been placed in the file for reference and record.

The PIO requested the Commission vide office letter HDK/1510-13 dated 15-06-2013 that he has been called by Hon'ble Minister PHE, I&FC Department J&K govt. for a review meeting on 18-06-2013 at Institutions of Engineers, Gandhi Nager, Jammu and sought exemption from personal appearance before the Commission and deputed Sh. Nisar Ahmed Jr. Engineer alongwith all relevant record to attend the hearing before the Commission. The request of the PIO was considered and exemption from personal appearance was granted.

Thus, it is evident from the aforesaid facts that the PIO has duly complied with the directions of the Commission issued on 23-05-2013 and no further direction in the matter is required.

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

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Copy to :

1. First Appellate Authority / Superintending Engineer, Hydraulic Division, Doda.
2. Public Information Officer / Executive Engineer, Hydraulic Division, Kishtwar.
3. Sh. Kovid Khosla, Advocate, J&K High Court Jammu, Opposite Eicher Showroom, Main Road, Sidhra, Jammu.

(Jang Bhadur)
Joint Registrar,
J&K State Information Commission

NB: (In any correspondence on this decision, please mention the complete decision number