



**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/C/45/2012  
Decision SIC/J/C/45/2012/190

Sh. Harsh Dev Singh MLA Ramnagar Through Sh. Vilakshana Singh Advocate	Complainant	Present
Sh.U.K Sharma Executive Engineer, PWD (R&B) Division, Udhampur.	PIO	Present
Sh. A.K Gandotra Executive Engineer, PMGSY, JKPCC Department, RailHead, Panama Chowk, Jammu.		Present

Jammu  
12-07-2013

Briefly the facts in this complaint are that Sh. Harsh Dev Singh, MLA Ramnagar challenged the order bearing No.1-8/3392-94 dated 11-06-2012 of PIO/Executive Engineer, PWD (R&B) Division Udhampur wherein some information was provided to one Sh. Jagan Nath Singh S/o Sh. Dina Nath R/o Chaini, Tehsil Majalta in response to the RTI application filed by the latter on the ground that the information provided by the PIO vide para 2C of the said order, so far as it pertains to the statement that the work was not tendered on the instructions of the MLA Ramnagar i.e

complainant herein, is completely false and contrary to facts. The complainant further alleged that he had never issued any such instructions as alleged in para 2C of the impugned order and the PIO has deliberately given false and incorrect information to malign the reputation of the complainant. After receiving the complaint, notice was sent to PIO/ Executive Engineer, PWD (R&B) Division Udhampur vide office NO:SIC/J/C/45/2013/2194 dated 17-05-2013 to submit counter reply to the Commission within 7 days of receipt of the notice and the matter was listed for hearing on 29-06-2013 and Sh. U.K Sharma, PIO/ Executive Engineer, PWD (R&B) Division Udhampur appeared before the Commission. Sh. U. K Sharma, PIO in his submissions before the Commission identified his predecessor the then PIO Sh. A. K Gandotra who had furnished information vide No: 1-8/3392-94 dated 11-06-2012 to one Sh. Jagan Nath Singh. Accordingly notice was sent to Sh. A.K Gandotra Executive Engineer, PMGSY, JKPCC Department, Rail Head, Panama Chowk, Jammu to remain present before the Commission on 12-07-2013. In compliance to the direction of the Commission Sh. A.K. Gandotra, Executive Engineer appeared before the Commission. Sh. A.K. Gandotra submitted before the Commission that he had no intention to malign the reputation of Sh. Harsh Dev Singh, MLA Ramnagar and infact he had prepared information on the basis of letter No:SDM/55 dated 2-06-2012 received from Sh. Z.A Shapu, Asstt. Executive Engineer, Majalta Sub-Division Udhampur. The said letter has been brought on file for reference and record. Perusal of said letter shows that Sh. Harsh Dev Singh, MLA Ramnagar nowhere issued instructions that the work should not be tendered. Thus para 2C of the impugned order which inter-alia reads to the effect that the work was not tendered on the instructions of the Hon'ble MLA Ramnager, Sh. Harsh Dev Singh is not based on facts and text of the letter submitted by then Asstt. Executive Engineer to the PIO concerned. Sh. A.K Gandotra the then PIO admitted before the

Commission that he had no intention to malign the reputation of the Hon'ble MLA in the eyes of general public and the information provided under para 2C has crept into inadvertently. He has also filed an affidavit duly sworn before a Public Notary stating therein that the Hon'ble MLA, Sh. Harsh Dev Singh never issued any instructions for executing the works without issuing tenders and information provided in para-2C of the letter dated 11-06-2012 is incorrect. He also tendered unqualified and unconditional apology for the incorrect information provided to the information seeker due to inadvertent misinterpretation of the letter No: SDM/55 dated 2.6. 2012 of Asstt. Executive Engineer, Majalta Sub-Division.

In view of the aforesaid facts and submissions made by Sh. A.K Gandotra the then PIO, it becomes necessary to issue corrigendum to the information furnished to one Sh. Jagan Nath Singh vide office letter No: 1-8/3392-94 dated 11-06-2012. The present PIO Sh. U.K Sharma Executive Engineer (R&B) Division, Udhampur is hereby directed to issue the necessary corrigendum that the information provided by the respondent PIO vide para 2-C of order No: 1-8/3392-94 dated 11-06-2012 so far as it pertains to the statement that work was not tendered on the instructions of MLA Ramnager Sh. Harsh Dev Singh and delete the same and also endorse a copy to Sh. Harsh Dev Singh Hon'ble MLA Ramnager for information within 2 weeks from the date of receipt of this order under an intimation to the Commission. Registry of the Commission is directed to endorse a copy of this order alongwith a certified copy of the affidavit filed by Sh. A.K. Gandotra to the complainant.

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 :

1. The Public Information Officer/ Sh.U.K Sharma Executive Engineer, PWD (R&B) Division, Udhampur.
2. Sh. A.K Gandotra Executive Engineer, PMGSY, JKPC Department, RailHead, Panama Chowk, Jammu.
3. Sh. Harsh Dev Singh MLA, Ramnager through Sh. Vilakshana Singh Advocate.

(Khalid A. Shah)  
Deputy Registrar,  
J&K State Information Commission