



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/130/ 2013

Decision No: SIC/J/A/130/ 2013/200

Sh. Abdul Subhan

Appellant

Present

Sh. M.A. Rather
Chief Education Officer,
Doda.

PIO Heard through video conferencing

**Jammu
18-07-2013**

Briefly the facts in this appeal are that Sh. Abdul Subhan R/o H.No-EP-262 Dalpatian Jammu moved an application dated 06-07-2012 under the J&K RTI Act, 2009 before the PIO /Chief Education Officer, Doda seeking certain information.

The PIO vide office letter No:CEO/D/RTI/9906-07 dated 04-07-2013 furnished the information to the information seeker and copy was also endorsed to the Commission for favour of information. In the aforesaid letter, the CEO Doda has submitted that information was asked from the ZEO Bhallessa vide following office letters Nos:-

1. CEO/D/Monitor/20398-20407 dated 15-10-2012
2. CEO/D/Monitor/24678-88 dated 17-11-2012
3. CEO/D/Monitor/30246 dated 06-12-2012
4. CEO/D/Monitor/37646-56 dated 24-01-2013
5. CEO/D/RTI/4186-87 dated 09-05-2013
6. CEO/D/Monitor/6212-22 dated 30-05-2013.

The CEO further submitted that the delay in providing information is due to non-cooperation of ZEO Bhallessa.

Perusal of the second appeal filed by the information seeker reveals that he preferred 1st appeal dated 08-04-2013 before the FAA which was after a lapse of about 9 months which is not permissible under the provisions of the RTI Act, 2009. The FAA vide No:DSEJ/RTI/606-09 dated 01-05-2013 issued show cause notice to the respondents with a direction to furnish information to the information seeker within a weeks time, but the information was provided to the information seeker on 04-07-2013 vide No: CEO/D/RTI/9906-07. Though there is inordinate delay on the part of the ZEO Bhallessa to furnish information to the office of CEO Doda, but it is also apparent from the facts that the information seeker slept over his RTI application for nine months and did not approach the FAA within statutory period as prescribed in the RTI Act, 2009. The CEO has endorsed to the Commission the set of information which was provided to the information seeker and perusal of the same shows that the information as sought by the information seeker stands furnished to him.

However, during the course of proceedings held today, the information seeker raised certain queries and wanted clarification about the same. The CEO Doda agreed to provide an opportunity to the information seeker to visit his office on any working day and clarify the queries about which he wants information. The CEO also assured the Commission that in case the information seeker wants to inspect the record available in his office, he shall be at liberty to do the same.

As there is inordinate delay on the part of the ZEO Bhallessa to furnish information to the information seeker, the CEO Doda is hereby directed to inquire into the factors responsible for delay and fix the responsibility and if there is any lapse on the part of the ZEO Bhallessa, initiate disciplinary proceedings against him under service rules applicable to

him. The CEO is further directed to file compliance report to the Commission within 3 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 :

1. First Appellate Authority / Director School Education, Jammu.
4. Public Information Officer / Chief Education Officer, Doda.
5. Sh. Abdul Subhan R/o H.No-EP-262 Dalpatian Jammu

(Khalid A. Shah)
Deputy Registrar
State Information Commissioner