



**Jammu and Kashmir State Information Commission**

(Constituted under Right to Information Act 2009)

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**File No:** SIC/J/A/140/ 2013

**Decision No:** SIC/J/A/140/ 2013/205

Sh. Mohd.Yusuf Lone	Appellant	Absent
Dr. R.S Sharma Addl. Deputy Commissioner, Jammu.	PIO	Present
Sh. Raman Singh Mohasib O/o Deputy Commissioner, Jammu.		Absent

**Jammu  
23-07-2013**

Briefly the facts in this appeal are that Sh. Mohd. Yusuf Lone S/o Sh. Habib-Ullah Lone R/o Sector 2, Plot No.22, Housing Colony, Gujjar Nagar, Jammu moved an application dated 23-03-2013 under J&K RTI Act, 2009 before the PIO/Dy. Commissioner, Jammu seeking the following information:-

1. In the premises of Dy. Commissioner Office Jammu, (20) Twenty Petition writers shed/cabins do exist since long. To whom they have been allotted, on what terms and condition and from which date?
2. Name of the Allottees, with reference to their permission, licence if any mentioning the place of conducting the activity i.e business petition writers, drafters etc.
3. Action taken on a petition received in your office on 02-03-2010 regarding the allotment of petition writers shed/cabin by the then

worthy Dy. Commissioner, Sh. Manoj Dwivedi and Sh. Sanjeev Verma respectively.

The PIO did not provide the information to the information seeker within the statutory period. Thus, feeling aggrieved of inaction on the part of the PIO, the information seeker filed Ist appeal dated 26-04-2013 before the FAA ie. Deputy Commissioner, Jammu which has till date not been adjudicated and disposed of. After that the information seeker moved the Commission by filing second appeal dated 12-06-2013. The appeal was listed for hearing on 23-07-2013 and PIO appeared before the Commission. During the course of proceedings, PIO informed the Commission that he sought assistance of Sh. Raman Singh Mohasib ( Accounts Section, Dy. Commissioner office, Jammu under section 5(4) and 5(5) of J&K RTI Act, 2009 and forwarded the application of the information seeker to him on 25-03-2013. Despite repeated requests, Sh. Raman Singh did not provide any information and it is only on 22-07-2013 that he submitted the requisite information in my office which was dispatched to the information seeker vide office letter NO;DCJ/PIO/RTI/2013-2014/511 dated 22-07-2013. Thus information stands furnished to the information seeker and no further direction in this matter is required.

However, the perusal of the facts reveals that there is delay on the part of Sh. Raman Singh in furnishing information to the PIO within statutory period. He is directed to show cause why penalty under section 17 shall not be imposed upon him for causing unreasonable delay in providing information to the PIO. It would be appropriate to reproduce provisions of section 5(5) of the RTI Act, 2009 which are as under:-

***“Any officer, whose assistance has been sought under sub-section 4 shall render all assistance to the PIO seeking his or her assistance and for the purposes of any contravention of the provisions of the Act, such other officer shall be treated as a Public Information Officer.***

In view of the aforesaid provision Sh. Raman Singh would be treated as PIO as he was duty bound to provide assistance sought from him under RTI Act, 2009. Sh. Raman Singh is further directed to show cause why fine under the provisions of section 15 of the RTI Act, 2009 read with Code of Civil Procedure Samvat, 1977 shall not be imposed upon him for his failure to cause his appearance before the Commission on the date of hearing, inspite of the fact that proper notice was served upon him informing him about the date of hearing. He is directed to submit his explanation to the Commission within one week from the date of receipt of this order.

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. The First Appellate Authority/Dy. Commissioner, Jammu.
2. The Public information Officer/ Addl.Dy. Commissioner, Jammu.
3. Sh. Raman Singh, Mohasib O/o Dy. Commissioner, Jammu.
4. Sh. Mohd. Yusuf Lone S/o Sh. Habib-Ullah Lone R/o Sector 2, Plot No.22, Housing Colony, Gujjar Nagar, Jammu.

**(Khalid A. Shah)**  
Dy. Registrar  
State Information Commission