



**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/27/2013  
**Decision No:** SIC/J/C/27/2013/223

Sh. Dharub Singh	Complainant	Present
Sh. R.N. Pandita Joint Director Fisheries Kashmir Division.	PIO	(Heard through Video Conferencing)

**Jammu**  
**31-07-2013**

Briefly the facts in this complaint are that Sh. Dharub Singh, Driver-I Fisheries Department filed an application dated 31-08-2012 under J&K RTI Act, 2009 before the Director Fisheries Department, J&K Government, Srinagar seeking certain information relating to Service Books of certain employees working in the Fisheries Department. The information seeker also sought information about the sanctioned posts of Driver- I, Driver-II and Chauffeur for the year 1997 and seniority list for the year 1999. The PIO / Joint Director Fisheries Department vide office letter no. JDF/K/Sgr/3016-18 dated 21-12-2012 informed the information seeker that the information has been collected from the controlling officers of the officials concerned and also directed him to deposit an amount of Rs. 2300/- on account of photostat charges to get the information sought by him. Subsequently under the new RTI Rules, 2012, he was directed vide office letter no. JDF/K/Sgr/2099-101 dated 04-01-2013 to deposit an amount of Rs. 460/- on account of photostat charges and get the copies of service books sought by him under the RTI Act, 2009.

The information seeker feeling aggrieved of information provided to him by the PIO / Joint Director Fisheries Department, Kashmir Division approached the Commission by filing a complaint dated 16-04-2013 in which he has alleged that

he has not been provided the information as requested by him in his RTI application. After receiving his complaint the matter was listed for hearing on 31-07-2013 and was heard through video conferencing. During the course of proceedings, Sh. R.N. Pandita Joint Director / PIO Fisheries Deptt. submitted before the Commission that information as available in office record has been furnished to the information seeker. He also submitted before the Commission that seniority list for the year 1999 is not available in the Directorate office because of non-availability of the record which was burnt in an incident of fire in the said office. The perusal of the documents available on record show that the demand of cost of information raised by the PIO is unwarranted under law as it has to be made within 30 days after the receipt of RTI application. However, in this case the demand for cost of information was made after a lapse of long time since the filing of RTI application and is thus illegal and contrary to the mandate of J&K RTI Act, 2009.

The PIO / Joint Director Fisheries Department is hereby directed to refund the aforesaid amount of Rs. 460/- which has been charged from the information seeker as cost of the information within a weeks time. The information already stands furnished to the information seeker thus, no further direction in the matter is required.

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. R.N. Pandita Joint Director Fisheries, Kashmir Division.
2. Sh. Dharub Singh, Driver-I Fisheries Department, Jammu.

**Khalid-A-Shah**

Deputy Registrar

State Information Commission