



Jammu and Kashmir State Information Commission

(Constituted under Right to Information Act 2009)

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File No: SIC/J/A/134/ 2013
Decision No: SIC/J/A/134/ 2013/227

Sh. Kovid Khosla
Advocate, J&K High Court

Appellant

Present

Sh. Ajay Sawhney
Jr. Accounts Officer,
On behalf of PIO,
General Manager (T) & Project Director,
NHAI, PIU-Jammu.

Present

Jammu.
01-08-2013

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 16-04-2013 under the J&K RTI Act, 2009 before the PIO NHAI, PIU, Channi Himmat, Jammu seeking the following information:-

- A. Total number of private vehicles hired/engaged by the NHAI in Jammu district with details of the types of vehicles engaged and the officers to whom the said vehicles have been allotted.
- B. Whether NIT for such engagement /hiring of vehicles was done, if yes then the NIT publication details be provided.
- C. If NIT for such hiring of vehicles was not done then the details of the procedure adapted by the NHAI hiring such vehicles with details of the officer incharge of such duty.

- D. Copy of the order/circular/notification of the Govt. /NHAI whereby the hiring/engagement of such vehicles has been permitted without NIT.
- E. Total monthly amount spent as hiring charges of each of such vehicle with details of the vehicle owners.
- F. Total petrol /diesel expenses incurred during financial year 2012-2013 for running such vehicles.
- G. Details of the residential accommodations provided to the officers of the NHAI posted in Jammu with details of the officers of NHAI who have not been transferred from Jammu for the last more than 3 years.

The PIO after receiving the RTI application furnished the information to the information seeker vide office letter No:PD/JMU/RTI/F&A/2013-14/15982 dated 16-04-2013. The information was sent to the information seeker through registered courier which was however, returned undelivered. The information seeker thus feeling aggrieved of preferred 1st appeal before the FAA, NHAI Jammu on 21-05-2013 which has not been adjudicated and disposed of till date . However, during the pendency of 1st appeal, the information was again sent to the information seeker in the last week of May, 2013 which was duly received by the information seeker and he has acknowledged the receipt of the same. The information seeker has alleged in second appeal before the Commission that the information provided to him was incomplete, incorrect and non speaking in nature. The matter was listed for hearing on 01-08-2013. During the course of proceedings Sh. Ajay Sawhney, Jr. Accounts Officer who appeared on behalf of PIO General Manager (T) & Project Director, NHAI, PIU-Jammu assured the Commission that he will furnish the revised information to the information seeker and sought 2 weeks time for the same. It would be pertinent to highlight the role of FAA which is a quasi-judicial authority under J&K RTI Act, 2009. FAA is under a statutory obligation to pass a speaking order after hearing both the parties. In this case, the FAA has

failed to perform its statutory duty as it has not adjudicated and disposed of the matter till date. The Commission is constrained to observe that such an approach on the part of FAA is detrimental to the cause of transparency and accountability as envisaged in the RTI Act, 2009. These observations should be taken as a wakening call by the FAA and it should remain careful in future and dispose of RTI appeals within a statutory period.

In view of the aforesaid facts and observations, the PIO/ General Manager (T) & Project Director, NHAI, PIU-Jammu is hereby directed to furnish the revised information to the information seeker which must be in conformity with his RTI application within 15 days 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 / Regional Officer, NHAI Jammu.
2. Public Information Officer / General Manager (T) & Project Director, NHAI, PIU-Jammu.
3. Sh. Kovid Khosla, Advocate, J&K High Court Jammu, Opposite Eicher Showroom, Main Road, Sidhra, Jammu.

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