



**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

\*\*\*\*\*

File No: SIC/J/A/137/2013

Decision No. SIC/J/A/137/2013/228

Sh. Kabir Ahmed Malik  
Advocate

Appellant

Absent

Sh. Iqbal Singh

APIO

Present

Tehsildar, Mahore

**Jammu**

**05-08-2013**

Briefly the facts in this appeal are that Sh. Kabir Ahmed Malik (Advocate) R/o Aftab Manzil, 261-F, Mohalla Ustad, Jammu moved an application dated 01-02-2013 under J&K RTI Act, 2009 before the PIO / Tehsildar, Mahore, seeking certain information.

The PIO did not provide information to the information seeker within the statutory period. The information seeker preferred 1<sup>st</sup> appeal dated 01-04-2013 before the Deputy Commissioner / FAA, Reasi. The perusal of the record shows that the 1<sup>st</sup> appeal of the appellant has not been adjudicated and disposed of till date. Thus, feeling aggrieved of inaction on the part of the PIO as well as the FAA, the appellant preferred 2<sup>nd</sup> appeal dated 04-06-2013 before the Commission. The Commission issued notice vide no. SIC/J/A/137/2013/ 2478 dated 13-06-2013 to the Tehsildar, Mahore to file counter reply to the Commission within 7 days from the receipt of the notice. The Tehsildar, Mahore, however, did not comply with the direction of the Commission, the matter was listed through video conferencing on 19-07-2013 and both the parties failed to cause their presence before the Commission, matter was adjourned and listed for hearing on 05-08-2013. In compliance to the notice of the Commission, Sh. Iqbal Singh Tehsildar / APIO appeared before the

Commission, and apprised that the information was send to the information seeker on 01-08-2013 under registered cover and the delay was due to the fact that it remained pending in the office of SDM, Mahore. Tehsildar / APIO, Mahore further informed the Commission that he recently took over as Tehsildar, Mahore and has identified his predecessor Sh. Mohd. Syed, Tehsildar, Mahore now posted as Tehsildar, Bishnah who was the PIO at the relevant time when the application was moved by the information seeker. Sh. Iqbal Singh Tehsildar / APIO, Mahore also produced a postal receipt in support of his claim that the information has been dispatched to the information seeker. The perusal of the RTI application and documents available on record show that there is unreasonable delay on the part of the then PIO, Mahore i.e. Sh. Mohd Syed now posted as Tehsildar, Bishnah in providing the information to the information seeker within the statutory period.

Sh. Mohd Syed the then Tehsildar, Mahore (now posted as Tehsildar, Bishnah) is hereby directed to show cause why penalty U/s 17 of the J&K RTI Act, 2009 shall not be imposed upon him for causing unreasonable delay in providing the information to the information seeker within two weeks from the date of receipt of this order. The Registry is directed to endorse a copy of this order to Sh. Mohd Syed the then Tehsildar, Mahore (now posted as Tehsildar, Bishnah) for information and compliance.

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. The First Appellate Authority / Deputy Commissioner, Reasi.
2. The Public Information Officer / Sh. Mohd Syed the then Tehsildar, Mahore (now posted as Tehsildar, Bishnah).
3. The Assistant Public Information Officer / Sh. Iqbal Singh Tehsildar, Reasi.
4. Sh. Kabir Ahmed Malik (Advocate) R/o Aftab Manzil, 261-F, Mohalla Ustad, Jammu.

Khalid-A-Shah  
Deputy Registrar  
State Information Commission