



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/153/ 2013
Decision No: SIC/J/A/153 2013/234

Sh. Kovid Khosla
Advocate, J&K High Court

Appellant

Present

Sh.Anshu Mali
Asstt. Director,
CA&PD, Samba.

PIO

Present

Jammu.
19-08-2013

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 16-03-2013 under the J&K RTI Act, 2009 before the PIO O/o Dy. Director CA&PD, Nandani Hills, Samba seeking the following information:-

- (A) *Documents on the basis of which ration book No.429472 (Reg no.222) has been issued in favour of Sh. Tarsem Kumar S/o Thoru Ram R/o Malani Tehsil and District Samba.*

The PIO submitted in his counter reply filed before the Commission that the application dated 16-03-2013 was addressed to O/o Deputy Director, CA&PD Samba, which does not exist at Samba and as such no application was received by the office of Assistant Director, CA&PD, Samba. The PIO further submitted that after receipt of application through FAA

under endorsement No:169/RTI/G/Appeal-12/2018-19 dated 11-05-2013 the same was forwarded to Tehsil Supply Officer (APIO), CA&PD, Samba vide office letter No:ADCAPD/S/2013-14/123 dated 14-05-2013 who in turn furnished the reply under endorsement No.TSO/S/2013-14/982 dated 16-05-2013. After receipt of reply from theTSO,CA&PD Samba/APIO, the requisite information was furnished to the information seeker vide office letter No:ADCAPD/s/2013-14/133-34 dated 17-05-2013 by ordinary post. However, during the course of proceedings, the information seeker denied the receipt of any such information sent to him. The PIO apprised the Commission that information was again sent to the information seeker on 17-08-2013 under a registered cover. The PIO produced the office record before the Commission in support of his contention that application of the information seeker dated 16-03-2013 was not received in his office and it was routed to him through the FAA and after receiving the same, necessary steps were taken to provide the requisite information to the information seeker.

On last date of hearing i.e 08-08-2013, the PIO was directed to file an affidavit in support of his contention that he did not receive the RTI application of the information seeker in his office and it was routed to him through FAA. During the course of proceedings, the PIO sought 3 days time to file an affidavit to the above said effect. The request of the PIO is allowed and he is hereby directed to file an affidavit within 3 days from the date of this order. In view of the aforesaid observations, PIO is hereby advised that in future while handling the RTI applications, he should be careful and provide the information to the information seeker under a registered cover so that any lapse on the part of postal authorities may not become an excuse for furnishing the information within the statutory period.

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 :

4. First Appellate Authority / Director, CA&PD, Jammu.
5. Public Information Officer / Asstt. Director, CA&PD, Jammu.
6. 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