



**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/A/142/ 2013

**Decision No:** SIC/J/A/142/ 2013/238

Sh. Tejinder Singh	Appellant	Absent
Public Information Officer, DDG TERM-J&K Department of Telecommunications 4 <sup>th</sup> Floor, Telephone Exchange Building, Technical Block, Trikuta Nagar, Rail Head Complex, Jammu.		Absent

**Jammu**  
**22-08-2013**

Briefly the facts in this appeal are that Sh. Tejinder Singh AIE, AIMA R/o House. No. S-5/5, Garden Colony, Mission Road, Pathankote-145001 (PB) moved an application dated 10-03-2013 under RTI Act, before the PIO, DDG TERM-J&K Department of Telecommunications 4<sup>th</sup> Floor, Telephone Exchange Building, Technical Block, Trikuta Nagar, Rail Head Complex, Jammu seeking the following information:-

*"Please inform about the necessary action that has been taken with respect to the complaint No:Comp/TERM-J&K-12 dated 05-12-2012 filed at your office."*

The information seeker did not receive any response from the PIO within the statutory period. Thus feeling aggrieved of inaction on the part of the PIO, he filed Ist appeal dated 8-04-2013 before the FAA ie. DDG

TERM-J&K Department of Telecommunications 4<sup>th</sup> Floor, Telephone Exchange Building, Technical Block, Trikuta Nagar, Rail Head Complex, Jammu which remains unadjudicated and has not been disposed of till date. As there has been complete inaction on the part of the PIO/FAA in deciding the matter within the statutory period, the information seeker was left with no option except to knock the doors of the Commission by filing second appeal dated 13-06-2013. After receiving the appeal of the information seeker, the Commission vide office notice NO:SIC/J/A/142/2013/2592 dated 20-06-2013 directed the PIO to send counter reply to the Commission within 7 days of the receipt of notice. The Commission did not receive any response from the PIO and the matter was listed for hearing on 24-07-2013 (10.00 a.m) at Jammu office of the Commission vide notice NO: SIC/J/A/142/2013/2882-83 dated 10-07-2013 and parties were directed to remain present. Incompliance to the aforesaid notice, the appellant Sh. Tejinder Singh appeared before the Commission and apprised that no information has been sent to him by PIO concerned nor FAA disposed of his appeal within the statutory period. The PIO did not cause his appearance despite the fact that proper notice was sent at his official address and was duly served upon him. However, the matter was adjourned and Registry was directed to list it again. Incompliance to the direction of the Commission, matter was again listed for hearing on 22-08-2013 (11.30 a.m) at Jammu office of the Commission and parties were directed vide office NO: SIC/J/A/142/2013/3192-93 dated 5-08-2013 to remain present on the date of hearing. The PIO again failed to cause his appearance before the Commission and did not comply with the aforesaid notice which infact was duly received by his office as per the office record of the Commission. This clearly shows disobedience of the process of the Commission as the PIO has not complied with notices sent to him. In view of the aforesaid factual position, the PIO is hereby

directed to show cause why the fine u/s 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 appearance before the Commission within two weeks from the date of receipt of this order.

PIO is further directed to provide the requisite information free of cost sought by the information seeker within 10 days from the date of receipt of this order under an intimation to the Commission. Perusal of the RTI application and Ist appeal filed by the information seeker show that there is inordinate delay and denial of information on the part of the PIO. He is hereby directed to show cause why the penalty u/s 17 of the RTI Act, 2009 shall not be imposed upon him for causing unreasonable delay in disposing of the application of the information seeker within 2 weeks 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/ DDG TERM-J&K Department of Telecommunications 4<sup>th</sup> Floor, Telephone Exchange Building, Technical Block, Trikuta Nagar, Rail Head Complex, Jammu.
2. The Public information Officer/ DDG TERM-J&K Department of Telecommunications 4<sup>th</sup> Floor, Telephone Exchange Building, Technical Block, Trikuta Nagar, Rail Head Complex, Jammu
3. Sh. Tejinder Singh AIE, AIMA R/o House. No. S-5/5, Garden Colony, Mission Road, Pathankote-145001 (PB).

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