



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/177/2013

Decision No: SIC/J/A/177/2013/247

Sh. Kovid Khosla
Advocate

Appellant Present

Sh. Ranjit Kumar
Statistical Assistant,
On behalf of APIO,
Regional Transport Officer,
Jammu.

Present

Jammu
29-08-2013

Briefly the facts in this appeal are that Sh. Kovid Khosla (Advocate J&K, High Court) R/o Opposite Eicher Showroom, Main Road Sidhra, Jammu moved an application dated 01-04-2013 under J&K RTI Act, 2009 before the PIO O/o Transport Commissioner, Jammu seeking the following information:-

- A. *Total no. of route permits for plying small commercial vehicles like Tata ace or other similar vehicles issued since last two financial years till date from Panjthirthi to Sidhra and other connected areas / routes in Jammu by your department with names and residential addresses of the persons in whose favour such kind of permits have been issued.*

- B. *Copy of the order or circular of the govt. of this office whereby the issuance of such permits on above said or other routes is banned at present be also provided.*
- C. *Details of the fare fixed by the department for travelling by tata ace or other similar vehicle from Panjthirthi to Sidhra and vice-versa for students and common man.*
- D. *Details of the action taken till date on the violators who are overcharging on the above said route i.e. no. of permits cancelled if any for overcharging / challans of such vehicles in last 2 years / no. of such vehicles seized till date since last 2 years on such route.*
- E. *Total no. of fresh route permits for plying mini-buses issued since last two financial years till date for city / urban routes in Jammu City with details of the route of the permit issued / date of issuance.*
- F. *Number of route permits changed / transferred from one route to another route in urban areas of Jammu district in last two financial years till date with details of the provision / policy / rules / regulation adopted by the department in allowing the transfer of the route permit from one route to another route.*
- G. *Number of registered agents with RTO, Jammu and number of conductor licenses / driving school licenses issued in last two financial years till date.*
- H. *Number of on spot route permits (National/inter-state) issued in last two financial years till date.*
- I. *Number of cases detected whereby the vehicles with duplicate engine and chassis number have been registered till date.*
- J. *Number of employees of this office and RTO, Jammu who have not been transferred for the last 3 years with details of the names / posts held at present/period of stay at present posting / date of joining the present posting etc be also provided.*
- K. *Names of the employees of this office and RTO, Jammu against whom vigilance cases are pending with details of the present place of their postings / post held and dates / place of posting at the time of registration of the case.*

The Dy. Transport Commissioner/PIO J&K Jammu forwarded the application of the information seeker vide office letter No:TC/JK/RTI/72/3151 dated 03-04-2013 to Regional Transport Officer,

Jammu/APIO under section 6(3) of the RTI Act, 2009 with a request to provide the requisite information to the appellant within the stipulated time. The APIO, Transport Department, Regional Transport Officer, Jammu after receiving the application of the information seeker informed him vide office letter NO: MVD/RTOJ/2012-13/23-04-2013 that the information sought is voluminous and contained in big ledgers/files and requested him to approach the RTO office to collect the information accordingly.

Meanwhile, having received no response from the APIO, the information seeker preferred Ist appeal dated 02-05-2013 before the FAA/Transport Commissioner, Jammu (J&K) alleging therein that the information sought has not been furnished to him. However, Jt. Transport Commissioner, J&K Srinagar vide office letter No:TC/JK/RTI/72/4446-47 dated 23-05-2013 reminded the PIO/RTO Jammu to provide the requisite information to the appellant at the earliest as per the provisions of the RTI Act, 2009 under intimation to his office. The copy of the aforesaid letter was also endorsed to the appellant and information with regard to para K was also enclosed with the said letter. In compliance to the aforesaid letter, the APIO office of the RTO, Jammu vide office letter NO:MVD/RTOJ/2013-14/150 dated 30-05-2013 informed the information seeker that the information sought cannot be made available without diverting the resources of the office for the said purpose as it is voluminous in nature and contained in big ledgers/files etc. The PIO further mentioned in the above said letter that the information available to a person in his fiduciary relationship cannot be furnished unless a public authority is satisfied that the larger

public interest warrants the disclosure of such information. Thus, feeling aggrieved of inaction on the part of the PIO/RTO Jammu and FAA, the information seeker preferred second appeal dated 15-07-2013 before the Commission. The FAA being a quasi-judicial authority is supposed to dispose of RTI matters only after providing an adequate opportunity of being heard to the parties. In this case the appellant has alleged that his Ist appeal has not been heard and disposed of by Transport Commissioner, J&K Jammu till date. Perusal of the record also shows that Ist appeal is still subjudice before the Transport Commissioner and has not been adjudicated. Such an omission by the FAA amounts to flagrant violation of the mandate of the RTI Act, 2009 as it deprives the appellant of an important fundamental right of redressal provided under the RTI Act, 2009. The FAA is hereby advised to remain careful and act with circumspection while discharging its duty under RTI Act and dispose of appeals within the statutory period as mandated under the RTI Act, 2009.

Perusal of documents available on record shows that the information as requested by the information seeker was furnished to him vide office letter No:MVD/RTOJ/2013-14/259-61 dated 17-07-2013 at his residential address under a registered cover. Another set of information containing 90 pages as enclosures vide office letter No: MVD/RTOJ/2013-14/402 dated 19-08-2013 was also furnished to the information seeker by hand and the information seeker has also acknowledged the receipt of the same vide dated 26-08-2013. However, during the course of proceedings held today, the information seeker has raised certain queries about the information provided to him

and also alleged that the information relating to query A and C is incomplete and requested for revised information.

In view of the aforesaid observations, PIO/RTO Jammu is hereby directed to provide the revised information relating to query A and C of the RTI application within 7 working 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:-

9. First Appellate Authority / Transport Commissioner, Jammu.
10. Public Information Officer / Dy. Transport Commissioner, J&K Jammu.
11. The Assistant Public Information Officer/Regional Transport Officer, Jammu.
12. 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