



**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/149/ 2013

Decision No: SIC/J/A/149/ 2013/248

Sh. Dhananter Singh	Appellant	Present
Sh. Tahir Qayum Malik Block Development Officer, Thathri.	PIO	Absent
Sh. Akhter Hussain Qazi Ex. Block Development Officer, A/p Project Officer, DRD-Kishtwar.		Present

**Jammu.  
06-09-2013**

Briefly the facts in this appeal are that Sh. Dhananter Singh S/o Late Sh. Duni Chand R/o Vill. L/Sharote, Tehsil Thathri, District Doda moved an application dated 09-11-2012 under the J&K RTI Act, 2009 before the PIO/ Block Development Officer, Thathri seeking the following information:-

1. Copy of the approved annual action plan under MGNERGA.
2. Copy of the estimates of the each executed works.
3. Copy of the payment made to each card holder with card No. Bank A/c No., name of work and copy of the invoice under which the amount has been paid.
4. Copy of the payment made to skilled/unskilled labour with designation against each work.
5. Copy of Bill of Material(s) used for execution of each work.

6. Copy of the job demand of the labour duly signed by the concerned ward member.
7. Copy of the list of the beneficiaries to whom amount have been paid under BRGF for construction/repair of house.
8. Copy of the list of beneficiaries to whom payment has been made, who had also availed the opportunity to get the constructed house under IAY, if given to anyone.

The PIO/BDO Thathri intimated the appellant vide his letter No:BDOT/60-61 dated 24-01-2013 for depositing Rs.31,240/- as copying charges as per J&K RTI Act, 2009. Perusal of the record shows that the PIO/BDO, Thathri has not intimated the appellant within the statutory period about the cost of information and thus the demand raised was uncalled for and is not covered within the provisions of the J&K RTI Act, 2009.

Thus, feeling aggrieved of inaction on the part of the PIO, the appellant approached the FAA i.e Director, Rural Development, Jammu. The appeal of the appellant was disposed of by the FAA with a direction to the PIO/BDO Thathri to provide the requisite information to the appellant within fifteen days free of cost through registered post. The PIO was also warned to remain careful in future while dealing with cases pertaining to J&K RTI Act, 2009.

As per submissions of the appellant before the Commission, the order of the FAA was not complied with by the PIO/BDO Thathri. During the course of proceedings held today, the appellant also apprised the Commission that he had received a letter from the office of BDO Thathri/PIO bearing No:BDOT/28 dated 23-04-2013 which was unsigned and though the said letter referred to the information sent to him free of cost, but was without any enclosures and did not contain any information requested by him in the RTI application. In nutshell, claim of the appellant is that till date PIO/BDO Thathri has not provided him any information as directed by the FAA. Despite proper written notice from the Commission and also telephonic intimation about the date of hearing, the PIO/BDO Thathri failed to cause his appearance before the Commission. He is hereby directed to show cause why fine under section 15 of the J&K RTI Act, 2009 read with Code of Civil Procedure, Samvat 1977 shall not be imposed upon

him for his failure to cause his appearance before the Commission within 10 days from the date of receipt of this order. In view of the aforesaid facts, the PIO/BDO Thathri is hereby directed to furnish the detailed information as requested by the information seeker in his RTI application against proper acknowledgement within 10 working days from the date of receipt of this order under an intimation to the Commission failing which penal action as envisaged under section 17 of J&K RTI Act , 2009 shall be initiated against him.

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 / Director, Rural Development Department, Jammu.
2. Public Information Officer / Block Development Officer, Thathri.
3. Sh. Akhter Hussain Qazi, Ex. Block Development Officer, A/p Project Officer, DRD-Kishtwar.
4. Sh. Dhananter Singh S/o Late Sh. Duni Chand R/o Vill. L/Sharote, Tehsil Thathri, District Doda.

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