



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/171/2013

Decision SIC/J/A/171/2013/269

Sh. Naresh Kumar	Appellant	Present
Sh. N.N Raina Executive Engineer, PHE Hydraulic Division, Kishtwar.	PIO	Present

Jammu
16-09-2013

Briefly the facts in this appeal are that Sh. Naresh Kumar S/o Sh. Jagdish Raj R/o Pakalam Thalerie, Tehsil and District Kishtwar moved an application dated 9-04-2013 under J&K Right to Information Act, 2009 before the PIO /Executive Engineer, PHE Hydraulic Division, Kishtwar seeking the following information :-

1. Attested copies of log book of official vehicle under use of Executive Engineer, Hydraulic Division, Kishtwar from 01-04-2011 to 31-03-2012 and from 01-04-2012 to till date.
2. Details of Journey made through Private/Hired Vehicle used by the Executive Engineer, Hydraulic Division Kishtwar for the above said period.
3. Tour Diaries of A.E.s of all the six Sub-Divisions falling under Hydraulic Division Kishtwar for the period w.e.f 01-04-2012 to till date.
4. Attested copies of Movement Register of Executive Engineer and Asstt. Executive Engineers of Hyd. Div. Kishtwar for the said period.

The PIO/Executive Engineer, Hydraulic Division, Kishtwar could not provide the information to the information seeker within the statutory period. Thus, feeling aggrieved of inaction on the part of the PIO, the information seeker preferred 1st appeal dated 18-05-2013 before the Superintending Engineer, Hydraulic Circle, Doda which has not been adjudicated and disposed off till date. Thus, feeling aggrieved of inaction on the part of the PIO as well as FAA, the information seeker knocked the doors of the Commission by filing second appeal dated 6-07-2013. After receiving the second appeal of the information seeker, Commission vide notice No:SIC/J/A/171/2013/2917 dated 12-07-2013 directed the PIO/Executive Engineer, Hydraulic Division, Kishtwar to file counter reply to the Commission within 7 days from the date of receipt of the notice. Subsequently, the matter was listed for hearing on 23-08-2013 at Jammu office. The PIO informed the Commission vide office No:HDK/2439-42 dated 22-08-2013 that he will not be in a position to attend the office of Commission on 23-08-2013 due to prevailing law and order situation in Kishtwar and requested for adjournment. The appellant also failed to cause his appearance on the said date before the Commission . The matter was adjourned and listed for hearing on 16-09-2013 at Jammu office . Both the parties appeared before the Commission. Sh. N.N Raina, Executive Engineer, Hydraulic Division, Kishtwar/PIO apprised the Commission that he has recently joined as Executive Engineer, Hydraulic Division, Kishtwar and his predecessor Sh. Ab. Wahid Zarger conveyed him that the information sought by the information seeker is ready in his office, but could not be delivered to the appellant due to prevailing law and order problem in Kishtwar during the 2nd and 3rd week of August, 2013. Sh. N.N. Raina, Executive Engineer, Hydraulic Division, Kishtwar/PIO further apprised the Commission that information sought by the information seeker was voluminous in nature and had to be generated from different

sources and thus delay in providing the information to the information seeker was purely circumstantial in nature and there was no intentional delay or malafide on the part of his predecessor. Sh. N.N Raina, Executive Engineer, Hydraulic Division, Kishtwar further assured the Commission that the appellant can visit his office on 20th of September, 2013 and collect the information and in case he is interested in accessing the record, the same shall also be made available to him. In the given circumstances, the information seeker is directed to collect the information from the office of Executive Engineer, Hydraulic Division, Kishtwar on 20-09-2013 and in case he is interested in inspecting the record in the office of PIO, the same shall be made available to him. The PIO is hereby directed to make available to the appellant the office record for inspection on any working day from 20th of September, 2013 onwards during the office hours and file compliance report 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:-

1. The First Appellate Authority/ Superintending Engineer, Hydraulic Circle, Doda .
2. Public Information Officer / Executive Engineer, PHE Hyraullic Division, Kishtwar.
3. Sh. Naresh Kumar S/o Sh. Jagdish Raj R/o Pakalam Thalerie, Tehsil and District Kishtwar.

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