



**Jammu and Kashmir State Information Commission**  
(Constituted under Right to Information Act 2009)  
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**File No:** SIC/J/A/155/ 2012  
**Decision No:** SIC/J/A/155/2012/290

Sh. Irshad Ahmad Sheikh	Appellant	Absent
Sh. Rajinder Singh Chief Education Officer, Kishtwar	PIO	Absent
Sh. Sewa Ram Zonal Education Officer, Marwah		Present

**Jammu**  
**25-09-2013**

Briefly the facts in this appeal are that Sh. Irshad Ahmad Sheikh S/o Mohd Ramzan Sheikh R/o Rar-Chanjer, Tehsil Marwah, District Kishtwar moved an application dated 18-02-2013 under J&K RTI Act, 2009 before the PIO, Zonal Education Officer, Marwah for seeking certain information.

During the course of proceedings held today, ZEO Marwah informed the Commission that the information seeker was requested to deposit the cost of information vide office letter No:ZEOM/2013/840 dated 12-03-2013. However, the information seeker failed to deposit the requisite cost and preferred Ist appeal dated 22-03-2013 before the FAA i.e Director School Education, Jammu. The FAA directed the CEO Kishtwar and ZEO Marwah vide office letter No:DSEJ/RTI/269-72 dated 22-04-2013 to provide information to the information seeker within a week's time besides to explain the reasons for not appearing before the appellate authority on the fixed date of hearing. The ZEO Marwah denied the receipt of the

aforesaid order of the FAA in his office and expressed ignorance about the said letter. However, the ZEO Marwah submitted before the Commission that entire record relating to information was prepared within statutory period for onward transmission to the information seeker. The ZEO Marwah also submitted the record and information prepared by him for perusal of the Commission. He also submitted before the Commission that there is no telephone facility available in Marwah and thus it was not possible to contact the information seeker on his contact number given in his RTI application.

Perusal of the facts shows that there is inordinate delay in submission of information to the information seeker. It would be befitting in the facts and circumstances of the case to provide the information to the information seeker free of cost. In view of the aforesaid observations and factual status of the matter in hand, ZEO Marwah is hereby directed to furnish the requisite information sought by the information seeker as per his RTI application free of cost within one week from the date of pronouncement of this order. The ZEO Marwah is further directed to send information to the information seeker under a registered cover and file compliance report to the Commission. From the facts and circumstances of the case, it is evident that there is no intentional delay on the part of ZEO Marwah in denying the information to the information seeker and whatever delay is there, it is purely circumstantial in nature and due to geographical factors as the ZEO Marwah's office is located in a far flung area and inspite of sincere efforts on their part, they could not contact the information seeker in time. Thus, explanation given by the ZEO Marwah about the delay in disposing of the RTI application is plausible and reasonable in the facts and circumstances of the case and does not warrant penal action as envisaged under the RTI Act.

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:-

5. The First Appellate Authority/Director, School Education Jammu.
6. The Public information Officer/ Chief Education Officer, Kishtwar.
7. The Zonal Education Officer, Marwah.
8. Sh. Irshad Ahmad Sheikh S/o Mohd Ramzan Sheikh R/o Rar-Chanjer, Tehsil Marwah, District Kishtwar.

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