



J&K 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
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File No: SIC/J/A/156/2013
Decision No: SIC/J/A/156/2013/291

Sh. Shakeel Ahmed Dev Appellant Absent

Public Information Officer Absent
Executive Engineer,
Hydraulic Division,
Kishtwar.

**Jammu
25-09-2013**

Briefly the facts in this appeal are that Sh. Shakeel Ahmed Dev S/o Late Sh. Gh. Qadir Dev R/o Faridia Road Kishtwar moved an application dated 08-11-2012 under J&K RTI Act, 2009 before the PIO / Executive Engineer, Hydraulic Division, Kishtwar seeking the following information:-

1. *The works put to tenders during 2011-12 to 2012-13.*
2. *Details of work, detail of pipes laid in town / Mohalla wise during the year 2011-12, 2012-13 and name of ---*
3. *List of tankers presently under used in P.H.E Division, Kishtwar.*
4. *That the total expenditure incurred on Shalimar lift water supply --- scheme till date.*
5. *List to be furnished female gender C.P. workers and name of scheme where they are deputed.*
6. *Copy of approved plan PHE Division and irrigation sector be furnished for the year 2011-12, 2012-13.*
7. *Approved plan of NABARD funds assistance of PHE sector to be provided.*
8. *Number of works to be taken departmentally panchayat wise / block wise for the year 2011-12, 2012-13.*
9. *List of material pipe each dia fitting material / cement / iron bar / fitting material / knitted wire crate / water tanks procured during the year 2012-13, 2011-12.*
10. *Reason to be explained for taking works departmentally.*

11.To furnish the name of news papers where tenders were invited for such works.

Feeling aggrieved of inaction on the part of the PIO, the appellant approached the PIO O/o Deputy Commissioner, Kishtwar who vide no. PIOC/RTI/2012/2000-02 dated 14-12-2012 directed the respondent no. 1 i.e. Executive Engineer, Hydraulic Division, Kishtwar to provide the requisite information to the appellant. Despite the aforesaid direction no information was provided to the information seeker. The appellant approached the FAA/ Superintending Engineer, Hydraulic Circle, Doda by way of filing 1st appeal but no response was received from the FAA. The appellant filed 2nd appeal before the Commission and alleged that the FAA has not adjudicated and disposed of his appeal till date. However, the Commission after receiving 2nd appeal of the appellant issued notice vide no. SIC-J/156/2013/3459-60 dated 29-08-2013 to PIO / Executive Engineer, Hydraulic Division, Kishtwar to appear before the Commission along with counter statement and relevant documents on 11th of September, 2013 at 10:30 a.m. at Jammu office. Sh. Nisar Ahmad Akhoun, Jr. Engineer appeared on behalf of the PIO/Executive Engineer, Hydraulic Division, Kishtwar and presented the case before the Commission, he also submitted a document bearing no. HDK/2860-63 dated 10-09-2013 and apprised the Commission that the requisite information was delivered vide office letter no. HDK/9078-72 dated 30-03-2013 through registered post comprising of 212 pages. In the said letter, it is also mentioned that the information seeker was requested vide office letter no. HDK/5889-90 dated 17-11-2012 for depositing the photo-copying charges as the information sought by him was voluminous. It was followed by a reminder vide office letter no. HDK/8522-23 dated 06-03-2013.

In the aforesaid letter, it is further mentioned that on the direction of the FAA/Superintending Engineer, Hydraulic Circle, Doda, the requisite information was prepared/submitted to the information seeker on the expenses of PIO (Executive Engineer, Hydraulic Division), Kishtwar. It is evident from the aforesaid letter that the information as sought by the appellant stands furnished to him and moreover it has been provided to him free of cost at the personal expense of the PIO(Executive Engineer, Hydraulic Division), Kishtwar. In case the information seeker is not satisfied with the information provided to him, he can be provided a facility to access the record in the office of the PIO.

Keeping in view the aforesaid facts, the PIO / Executive Engineer, Hydraulic Division, Kishtwar is hereby directed to allow the information seeker an opportunity to access the record in his office on any working day during office hours and in case he requires the photocopies of relevant documents that may be provided to him free of cost. The parties are directed to settle the date and time for inspection of record which may be mutually convenient to both of them. The PIO is also directed to file compliance report to the Commission. However, the PIO has failed to appear before the Commission on the date of hearing despite the fact that a proper notice was served upon him vide office no. SIC/A/156/2013/3705-06 dated 16-09-2013 wherein he was informed about the date of hearing i.e. 25th of September, 2013 at 10.30 a.m Jammu office. He is hereby directed to show cause why fine shall not be imposed upon him U/s 15 of the J&K RTI Act, 2009 read with the provisions of Code of Civil Procedure, 1977 (Samvat) for his failure to appear before the Commission on the date of hearing within two 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:-

5. Public Information Officer / Executive Engineer, Hydraulic Division, Kishtwar.
6. Sh. Shakeel Ahmed Dev S/o Late Sh. Gh. Qadir Dev R/o Faridia Road Kishtwar

(Khalid. A. Shah)

Dy. Registrar

State Information Commission